

5-8-2014

State v. Carter Clerk's Record v. 1 Dckt. 41862

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

MURRAY CASEY CARTER,

Defendant-Appellant.

Supreme Court Case No. 41862

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fourth Judicial District, in and for the County of Ada.

HONORABLE CHERI C. COPSEY

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

State of Idaho vs. Murray Casey Carter

Date	Code	User		Judge
10/1/2013	NCRF	PRSCHOKF	New Case Filed - Felony	Magistrate Court Clerk
	PROS	PRSCHOKF	Prosecutor assigned Ada County Prosecutor	Magistrate Court Clerk
	CRCO	TCMCCOSL	Criminal Complaint	Magistrate Court Clerk
	HRSC	TCMCCOSL	Hearing Scheduled (Video Arraignment 10/01/2013 01:30 PM)	Michael Oths
	ARRN	TCGARDKM	Hearing result for Video Arraignment scheduled on 10/01/2013 01:30 PM: Arraignment / First Appearance	Michael Oths
	CHGA	TCGARDKM	Judge Change: Administrative	John Hawley Jr.
	ORPD	TCGARDKM	Order Appointing Public Defender Ada County Public Defender [on the record in open court]	John Hawley Jr.
	HRSC	TCGARDKM	Hearing Scheduled (Preliminary 10/15/2013 08:30 AM)	John Hawley Jr.
	BSET	TCGARDKM	BOND SET: at 50000.00 - (149-1404 {F} Officer-Flee or Attempt to Elude a Police Officer in a Motor Vehicle)	John Hawley Jr.
	ORPD	MAHOLMSM	Order Appointing Public Defender [file stamped 10/02/2013]	John Hawley Jr.
	ORPD	MAHOLMSM	Order Appointing Public Defender [duplicate entry]	John Hawley Jr.
10/2/2013	MFBR	TCRUDZES	Motion For Bond Reduction	John Hawley Jr.
	NOHG	TCRUDZES	Notice Of Hearing	John Hawley Jr.
	RQDD	TCRUDZES	Defendant's Request for Discovery	John Hawley Jr.
10/15/2013	HRWV	CCMANLHR	Hearing result for Preliminary scheduled on 10/15/2013 08:30 AM: Hearing Waived	John Hawley Jr.
	PHWV	CCMANLHR	Hearing result for Preliminary scheduled on 10/15/2013 08:30 AM: Preliminary Hearing Waived (bound Over)	John Hawley Jr.
	CHGB	CCMANLHR	Change Assigned Judge: Bind Over	John Hawley Jr.
	HRSC	CCMANLHR	Hearing Scheduled (Arraignment 10/23/2013 01:30 PM)	John Hawley Jr.
	COMT	CCMANLHR	Commitment	John Hawley Jr.
	NOTH	CCMANLHR	Notice Of Hearing	John Hawley Jr.
	MFBR	TCJOHNCS	Motion For Bond Reduction	Cheri C. Copsey
	NOHG	TCJOHNCS	Notice Of Hearing	Cheri C. Copsey
	PHRD	TCROMENI	Preliminary Hearing Response to Request for Discovery and Objections	Cheri C. Copsey
	RQDS	TCROMENI	State/City Request for Discovery	Cheri C. Copsey
10/17/2013	PHRD	TCWRIGSA	Preliminary Hearing Response to Request for Discovery and Objections/ First Supplemental	Cheri C. Copsey
10/21/2013	INFO	TCOLSOMC	Information	Cheri C. Copsey

State of Idaho vs. Murray Casey Carter

Date	Code	User	Judge
10/23/2013	DCAR	CCMASTLW	Hearing result for Arraignment scheduled on 10/23/2013 01:30 PM: District Court Arraignment- Court Reporter:Nicole Julson Number of Pages:less than 50
	HRSC	CCMASTLW	Hearing Scheduled (Entry of Plea 10/30/2013 01:30 PM)
10/29/2013	PROS	PRHEBELE	Prosecutor assigned Barbara Duggan
10/30/2013	PLEA	CCMASTLW	A Plea is entered for charge: - GT (I49-1404 {F} Officer-Flee or Attempt to Elude a Police Officer in a Motor Vehicle)
	PLEA	CCMASTLW	A Plea is entered for charge: - GT (I18-8004 {M}{2} Driving Under the Influence-(Second Offense))
	DCHH	CCMASTLW	Hearing result for Entry of Plea scheduled on 10/30/2013 01:30 PM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: less than 50
	HRSC	CCMASTLW	Hearing Scheduled (Sentencing 12/11/2013 09:00 AM)
	GPA	CCMASTLW	Guilty Plea Advisory
	PSIO1	CCMASTLW	Pre-Sentence Investigation Evaluation Ordered
12/10/2013	CONT	CCMASTLW	Continued (Sentencing 01/08/2014 09:00 AM)
1/8/2014	DCHH	CCMASTLW	Hearing result for Sentencing scheduled on 01/08/2014 09:00 AM: District Court Hearing Held Court Reporter: Kim Madsen Number of Transcript Pages for this hearing estimated: less than 50
	FIGT	CCMASTLW	Finding of Guilty (I49-1404 {F} Officer-Flee or Attempt to Elude a Police Officer in a Motor Vehicle)
	OSDL	CCMASTLW	Order Suspending Drivers License Driver License 3 Years
	JAIL	CCMASTLW	Sentenced to Jail or Detention (I49-1404 {F} Officer-Flee or Attempt to Elude a Police Officer in a Motor Vehicle) Confinement terms: Penitentiary determinate: 1 year. Penitentiary indeterminate: 4 years.
	FIGT	CCMASTLW	Finding of Guilty (I18-8004 {M}{2} Driving Under the Influence-(Second Offense))
	OSDL	CCMASTLW	Order Suspending Drivers License Driver License 1 Years
	JAIL	CCMASTLW	Sentenced to Jail or Detention (I18-8004 {M}{2} Driving Under the Influence-(Second Offense)) Confinement terms: Jail: 1 year.
	DSBC	CCMASTLW	Dismissed by the Court (I18-8001(3) {M} Driving Without Privileges)

State of Idaho vs. Murray Casey Carter

Date	Code	User	Judge
1/8/2014	STAT	CCMASTLW	STATUS CHANGED: closed pending clerk action Cheri C. Copsey
	SNPF	CCMASTLW	Sentenced To Pay Fine 240.50 charge: I49-1404 {F} Officer-Flee or Attempt to Elude a Police Officer in a Motor Vehicle Cheri C. Copsey
	SNPF	CCMASTLW	Sentenced To Pay Fine 197.50 charge: I18-8004 {M}{2} Driving Under the Influence-(Second Offense) Cheri C. Copsey
	RESR	CCMASTLW	Restitution Recommended by the Prosecutor's office. 261.16 victim # 1 Cheri C. Copsey
1/9/2014	JCOC	DCDANSEL	Judgment Of Conviction & Order Of Commitment Cheri C. Copsey
	ORDR	DCDANSEL	Order for Restitution and Judgment Cheri C. Copsey
2/13/2014	NOTC	TCWRIGSA	Notice of Appeal Cheri C. Copsey
	APSC	CCTHIEBJ	Appealed To The Supreme Court Cheri C. Copsey
2/19/2014	ORDR	CCMASTLW	Order Appointing SAPD Cheri C. Copsey
2/21/2014	MOTN	TCCHRIKE	Motion for Correction or Reduction of Sentence, ICR 35 Cheri C. Copsey
	MOTN	TCCHRIKE	Motion for Hearing Cheri C. Copsey
	MOAF	TCCHRIKE	Motion & Affidavit in Support of Appointment of Counsel Cheri C. Copsey
	MOAF	TCCHRIKE	Motion & Affidavit for Permission to Proceed on Partial Payment of Court Fees(Prisoner) Cheri C. Copsey
2/25/2014	ORDR	DCDANSEL	Order Denying Motion for Appointment of Counsel on Rule 35 Motion Cheri C. Copsey
2/26/2014	ORDR	DCDANSEL	Order Denying Rule 35 Motion Cheri C. Copsey
3/3/2014	MOTN	TCWRIGSA	Motion for Reconsideration Cheri C. Copsey
3/7/2014	DEOP	DCDANSEL	Memorandum Decision on Defendant's Second Motion for Reconsideration Cheri C. Copsey
3/27/2014	NOTC	TCWEGEKE	Notice of Transcript Lodged - Supreme Court No. 41862 Cheri C. Copsey

OCT 01 2013

CHRISTOPHER D. RICH, Clerk
By STORMY McCORMACK
DEPUTY

DR # 13-001065

GREG H. BOWER

Ada County Prosecuting Attorney

Kari L Higbee

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702

Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

MURRAY CASEY CARTER,

Defendant.

Case No. CR-FE-2013-0013759

C O M P L A I N T

Carter's DOB: 

Carter's SSN: 

PERSONALLY APPEARED Before me this 1st day of October 2013, Kari L Higbee, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that MURRAY CASEY CARTER, on or about the 30th day of September, 2013, in the County of Ada, State of Idaho, did commit the crimes of: I. ELUDING A POLICE OFFICER, FELONY, I.C. §49-1404 II. OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL (SECOND WITHIN TEN YEARS), MISDEMEANOR, I.C. §18-8004, 8005(4) and III. DRIVING WITHOUT PRIVILEGES, MISDEMEANOR, I.C. §18-8001(3) as follows:

COUNT I

That the Defendant, MURRAY CASEY CARTER, on or about the 30th day of September, 2013, in the County of Ada, State of Idaho, did operate a motor vehicle, to-wit: a black 2001 Pontiac Grand Am at or about Deer Flat Road and Linder to Eagle and willfully fled and/or eluded a pursuing police vehicle after being given a visual signal and/or audible signal to stop, and in so doing traveled in excess of thirty (30) miles per hour above the posted speed limit, and/or caused damage to the property of another or bodily injury to another and/or drove his vehicle in a manner as to endanger or be likely to endanger the property of another or the person of another, to-wit: by traveling approximately eighty-five (85) miles per hour in a fifty (50) mile per hour zone, driving recklessly by running red light(s) nearly striking other vehicles, and running off the road and into a ditch striking a stop sign.

COUNT II


That the Defendant, MURRAY CASEY CARTER, on or about the 30th day of September, 2013, in the County of Ada, State of Idaho, did drive and/or was in actual physical control of a motor vehicle, to-wit: a black 2001 Pontiac Grand Am, on or at Deer Flat Road and Linder to Eagle, while under the influence of alcohol or, in the alternative, did drive and/or was in actual physical control of the above-described motor vehicle at the above-described location, with an alcohol concentration of .08 or more, to-wit: .135/.116 as shown by an analysis of his breath and having pled guilty to or having been found guilty of a violation of I.C. §18-8004, or substantially conforming foreign criminal violation, within the previous ten years (10) years.

COUNT III

That the Defendant, MURRAY CASEY CARTER, on or about the 30th day of September, 2013, in the County of Ada, State of Idaho, did drive and/or was in actual physical control of a motor vehicle, to-wit: a black 2001 Pontiac Grand Am, upon a highway, to-wit: Deer Flat Road and Linder to Eagle, knowing his driver's license and/or driving privileges were suspended in Idaho.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

GREG H. BOWER
Ada County Prosecutor



Kari L Higbee
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 15 day of October 2013.



Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

vs.

Murray Casey Carter

PROSECUTOR K. Higbee

COMPLAINING WITNESS _____

CASE NO. FE-13-13759

CLERK H. Manley

DATE 10 / 1 , 2013 TIME 1100

CASE ID. Gardunia 100113 BEG. 110003

COURTROOM 204 END ~~110349~~
110321

JUDGE

☐ BEREZ
☐ BIETER
☐ CAWTHON
☐ COMSTOCK
☐ DAY
☒ GARDUNIA
☐ HARRIGFELD
☐ HAWLEY
☐ HICKS

☐ MacGREGOR-IRBY
☐ MANWEILER
☐ McDANIEL
☐ MINDER
☐ OTHS
☐ REARDON
☐ STECKEL
☐ SWAIN
☐ WATKINS

☐ _____
☐ _____

STATUS

☒ STATE SWORN
☒ PC FOUND
☒ COMPLAINT SIGNED
☐ AMENDED COMPLAINT SIGNED
☐ AFFIDAVIT SIGNED
☐ JUDICIAL NOTICE TAKEN
☐ NO PC FOUND
☐ EXONERATE BOND
☐ SUMMONS TO BE ISSUED
☐ WARRANT ISSUED
☐ BOND SET \$ _____
☐ NO CONTACT

D.R. # _____
☐ DISMISS CASE
☒ IN CUSTODY

COMMENTS

☐ AGENT'S WARRANT
☐ RULE 5(B)
☐ FUGITIVE
☐ MOTION & ORDER TO CONSOLIDATE

Murray Casey Carter CR-FE-2013-0013759

DOB: [REDACTED]

Scheduled Event: Video Arraignment Tuesday, October 01, 2013 01:30 PM

Judge: Michael Oths

Clerk: KY

Interpreter: _____

Prosecuting Agency: AC BC EA GC MC

Pros: J. Sullivan

PD / Attorney: Dorton

- 1 I49-1404 F Officer-Flee or Attempt to Elude a Police Officer in a Motor Vehicle F
- 2 I18-8004 M2 Driving Under the Influence-(Second Offense) M
- 3 I18-8001(3) M Driving Without Privileges M

15923 Case Called Defendant: X Present Not Present X In Custody

X Advised of Rights _____ Waived Rights X PD Appointed _____ Waived Attorney

_____ Guilty Plea / PV Admit _____ N/G Plea _____ Advise Subsequent Penalty

X Bond \$ 150,000 - _____ ROR _____ Pay / Stay _____ Payment Agreement

_____ In Chambers _____ PT Memo _____ Written Guilty Plea X No Contact Order

denied

PH 10 / 15 / 13 @ 830

w/ Hawley

Cont of bond:-no alcohol/drugs

- no driving
- no frequenting bars/taverns
- may get random testing through ACT if they approve

Finish () Release Defendant

OCT 02 2013

CHRISTOPHER D. RICH, Clerk
By KRISTI ROBERTSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
MAGISTRATE DIVISION

STATE OF IDAHO,
Plaintiff.

vs.

Murray Casey Carter
1611 Primrose Dr
Nampa, ID 83686

Defendant.

Case No: CR-FE-2013-0013759

NOTICE OF APPOINTMENT OF PUBLIC DEFENDER
AND SETTING CASE FOR HEARING

☒ Ada ☐ Boise ☐ Eagle ☐ Garden City ☐ Meridian

TO: Ada County Public Defender

YOU ARE HEREBY NOTIFIED that you are appointed to represent the defendant in this cause, or in the District Court until relieved by court order. The case is continued for:

Preliminary Tuesday, October 15, 2013 08:30 AM
Judge: John Hawley Jr.

BOND AMOUNT: _____ The Defendant is: ☐ In Custody ☐ Released on Bail ☐ ROR

TO: The above named defendant

IT HAS BEEN ORDERED BY THIS COURT that the defendant is to contact the Ada County Public Defender's Office at 200 W. Front Street, Room 1107, Boise, Idaho 83702. Telephone: (208) 287-7400. If the defendant is unable to post bond and obtain his/her release from jail, that the proper authorities allow the defendant to make a phone call to the Ada County Public Defender.

IT HAS BEEN FURTHER ORDERED: That the parties, prior to the pre-trial conference, complete and comply with Rule 16 I.C.R. and THAT THE DEFENDANT BE **PERSONALLY PRESENT** AT BOTH THE PRE-TRIAL CONFERENCE AND / OR THE JURY TRIAL: FAILURE TO APPEAR AT EITHER THE PRE-TRIAL CONFERENCE OR THE JURY TRIAL WILL RESULT IN A **BENCH WARRANT** FOR THE DEFENDANT'S ARREST.

I hereby certify that copies of this Notice were served as follows on this date, Tuesday, October 01, 2013.

Defendant: Mailed _____ Hand Delivered ☒ Signature _____
Clerk / date _____ Phone () _____

Prosecutor: Interdepartmental Mail ☒

Public Defender: Interdepartmental Mail ☒

Kristi Robertson
Deputy Clerk

202
PH
10/15
8:30

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____
A.M. _____ P.M. 14

OCT - 2 2013

CHRISTOPHER D. RICH, Clerk
By ELAINE RUDZINSKI
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,

Plaintiff

vs.

MURRAY CASEY CARTER,


Defendant.

Case No. CR-FE-2013-0013759

MOTION FOR BOND REDUCTION

COMES NOW, MURRAY CASEY CARTER, the above-named defendant, by and through counsel HEIDI K KOONCE, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Wednesday, October 02, 2013.


HEIDI K KOONCE
Attorney for Defendant

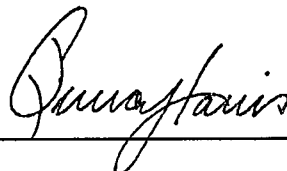
CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, October 02, 2013, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.

MOTION FOR BOND REDUCTION



000011

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____
A.M. _____ P.M. 4

OCT - 2 2013

CHRISTOPHER D. RICH, Clerk
By ELAINE RUDZINSKI
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

MURRAY CASEY CARTER,

Defendant.

Case No. CR-FE-2013-0013759

NOTICE OF HEARING

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

YOU, AND EACH OF YOU, are hereby notified that the defendant will call for a hearing on MOTION FOR BOND REDUCTION, now on file in the above-entitled matter, on Tuesday, October 15, 2013, at the hour of 08:30 AM, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED, Wednesday, October 02, 2013.



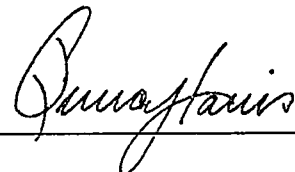
HEIDI K KOONCE
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, October 02, 2013, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



NOTICE OF HEARING

000012

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____
A.M. _____ P.M. _____

OCT - 2 2013

CHRISTOPHER D. RICH, Clerk
By ELAINE RUDZINSKI
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff

vs.

MURRAY CASEY CARTER,

Defendant.

Case No. CR-FE-2013-0013759

REQUEST FOR DISCOVERY

TO: THE STATE OF IDAHO, Plaintiff, and to ADA COUNTY PROSECUTOR:

PLEASE TAKE NOTICE, that the undersigned, pursuant to ICR 16, requests discovery and photocopies of the following information, evidence, and materials:

- 1) All **unredacted** material or information within the prosecutor's possession or control, or which thereafter comes into his possession or control, which tends to negate the guilt of the accused or tends to reduce the punishment thereof. ICR 16(a).
- 2) Any **unredacted**, relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the state, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant, oral statement made by the defendant whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.
- 3) Any **unredacted**, written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace office or agent of the prosecuting attorney.
- 4) Any prior criminal record of the defendant and co-defendant, if any.
- 5) All **unredacted** documents and tangible objects as defined by ICR 16(b)(4) in the possession or control of the prosecutor, which are material to the defense, intended for use by the prosecutor or obtained from or belonging to the defendant or co-defendant.

- 6) All reports of physical or mental examinations and of scientific tests or experiments within the possession, control, or knowledge of the prosecutor, the existence of which is known or is available to the prosecutor by the exercise of due diligence.
- 7) A written list of the names, addresses, records of prior felony convictions, and written or recorded statements of all persons having knowledge of facts of the case known to the prosecutor and his agents or any official involved in the investigatory process of the case.
- 8) A written summary or report of any testimony that the state intends to introduce pursuant to rules 702, 703, or 705 of the Idaho Rules of Evidence at trial or hearing; including the witness' opinions, the facts and data for those opinions, and the witness' qualifications.
- 9) All reports or memoranda made by police officers or investigators in connection with the investigation or prosecution of the case, including what are commonly referred to as "ticket notes."
- 10) Any writing or object that may be used to refresh the memory of all persons who may be called as witnesses, pursuant to IRE 612.
- 11) Any and all audio and/or video recordings made by law enforcement officials during the course of their investigation.
- 12) Any evidence, documents, or witnesses that the state discovers or could discover with due diligence after complying with this request.

The undersigned further requests written compliance within 14 days of service of the within instrument.

DATED, Wednesday, October 02, 2013.



HEIDI K KOONCE
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, October 02, 2013, I mailed a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.



OCT 15 2013

CHRISTOPHER D. RICH, Clerk
By HEIDI MANLEY
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Holly Koole
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2013-0013759
)	
vs.	)	COMMITMENT
)	
MURRAY CASEY CARTER,	)	Defendant's DOB: [REDACTED]
	)	Defendant's SSN: [REDACTED]
Defendant.)	
_____)	

THE ABOVE NAMED DEFENDANT, MURRAY CASEY CARTER, having been brought before this Court for a Preliminary Examination on the 15 day of OCT, 2013, on a charge that the Defendant on or about the 30th day of September 2013, in the County of Ada, State of Idaho, did commit the crimes of: I. ELUDING A POLICE OFFICER, FELONY, I.C. §49-1404 II. OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL (SECOND WITHIN TEN

YEARS), MISDEMEANOR, I.C. §18-8004, 8005(4) and III. DRIVING WITHOUT PRIVILEGES, MISDEMEANOR, I.C. §18-8001(3) as follows:

COUNT I

That the Defendant, MURRAY CASEY CARTER, on or about the 30th day of September, 2013, in the County of Ada, State of Idaho, did operate a motor vehicle, to-wit: a black 2001 Pontiac Grand Am at or about Deer Flat Road and Linder to Eagle and willfully fled and/or eluded a pursuing police vehicle after being given a visual signal and/or audible signal to stop, and in so doing traveled in excess of thirty (30) miles per hour above the posted speed limit, and/or caused damage to the property of another or bodily injury to another and/or drove his vehicle in a manner as to endanger or be likely to endanger the property of another or the person of another, to-wit: by traveling approximately eighty-five (85) miles per hour in a fifty (50) mile per hour zone, driving recklessly by running red light(s) nearly striking other vehicles, and running off the road and into a ditch striking a stop sign.

COUNT II

That the Defendant, MURRAY CASEY CARTER, on or about the 30th day of September, 2013, in the County of Ada, State of Idaho, did drive and/or was in actual physical control of a motor vehicle, to-wit: a black 2001 Pontiac Grand Am, on or at Deer Flat Road and Linder to Eagle, while under the influence of alcohol or, in the alternative, did drive and/or was in actual physical control of the above-described motor vehicle at the above-described location, with an alcohol concentration of .08 or more, to-wit: .135/.116 as shown by an analysis of his breath and having pled guilty to or having been found guilty of a violation of I.C. §18-8004, or substantially conforming foreign criminal violation, within the previous ten years (10) years.

COUNT III


That the Defendant, MURRAY CASEY CARTER, on or about the 30th day of September, 2013, in the County of Ada, State of Idaho, did drive and/or was in actual physical control of a motor vehicle, to-wit: a black 2001 Pontiac Grand Am, upon a

highway, to-wit: Deer Flat Road and Linder to Eagle, knowing his driver's license and/or driving privileges were suspended in Idaho.

The Defendant having so appeared and having had/having waived preliminary examination, the Court sitting as a Committing Magistrate finds that the offense charged as set forth has been committed in Ada County, Idaho, and that there is sufficient cause to believe that the Defendant is guilty of committing the offense as charged.

WHEREFORE, IT IS ORDERED that the Defendant be held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the charge herein set forth. Bail is set in the sum of \$ 50,000 + cond. release

DATED this 15 day of OCTOBER, 2013.


MAGISTRATE

FILED 10/15/13 AT 9:54 .M.
CHRISTOPHER D. RICH,
CLERK OF THE DISTRICT COURT
BY H. Mary
Deputy

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Murray Casey Carter
Defendant.

PRELIMINARY HEARING NOTICE / MINUTE SHEET

Case Number TE 13-13759

Case Called Hawley 91256

☒ Ada ☐ Special B. Judd

☒ PD Attorney H. Koonce

Defendant: ☒ Present ☐ Not Present ☒ In Custody ☐ PD Appointed ☐ Waived Attorney

☐ Advised of Rights ☐ Waived Rights ☐ In Chambers ☐ Interpreter

☐ Bond \$ 50,000 + Conditions ☐ Motion for Bond Reduction Denied / Granted

☐ Amended Complaint Filed ☐ Complaint Amended by Interlineation ☐ Reading of Complaint Waived

☐ State / Defense / Mutual Request for Continuance

☐ State / Defense Objection / No Objection to Continuance

☐ Case continued to at am/pm for

☒ Defendant Waives Preliminary Hearing ☐ Hearing Held ☒ Commitment Signed

☒ Case Bound Over to Judge Copsey on 10/23/13 at 1:30 am/pm

☐ Case Dismissed after Preliminary Hearing / On State's Motion ☐ Release Defendant, This Case Only

ADA COUNTY COURTHOUSE, 200 W. FRONT ST., BOISE, ID 83702

You must appear as scheduled above. Failure to do so will result in a warrant being issued for your arrest.

DATED 10/15/13

CHRISTOPHER D. RICH, Clerk of the District Court

By: H. Mary
Deputy Clerk

I hereby certify that copies of this notice were served as follows:

Defendant ☒ Hand Delivered

Defense Attorney ☒ Hand Delivered

Public Defender ☐ Hand Delivered

Prosecutor ☒ Hand Delivered

Signature [Signature]

Clerk [Signature] Date 10/15/13

193
ADA COUNTY PUBLIC DEFENDER

Attorney for Defendant

August Cahill

Deputy Public Defender

200 West Front Street, Suite 1107

Boise, Idaho 83702

Telephone: (208) 287-7400

Facsimile: (208) 287-7409

NO. _____
A.M. _____ P.M. _____

OCT 15 2013

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

MURRAY CASEY CARTER,


Defendant.

Case No. CR-FE-2013-0013759

MOTION FOR BOND REDUCTION


COMES NOW the defendant, MURRAY CASEY CARTER, by and through his attorney, August Cahill, Ada County Public Defender's Office, and moves this Court for an order reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied his right to bail.

DATED this 15th day of October 2013.


AUGUST CAHILL
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15th day of October 2013, I mailed a true and correct copy of the foregoing to Holly Koole, Ada County Prosecutor's Office, by placing said same in Interdepartmental Mail.


Katie Van Vorhis

195
AdR
10/25
1:30

NO. _____ FILED _____
A.M. _____ P.M. _____

OCT 15 2013

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorney for Defendant

August Cahill
Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

MURRAY CASEY CARTER,


Defendant.

Case No. CR-FE-2013-0013759

NOTICE OF HEARING


NOTICE IS HEREBY GIVEN to all parties that the Court will call on for hearing the Defendant's Motion for Bond Reduction. Said hearing shall take place on **October 23, 2013, at the hour of 1:30 p.m.**, in the courtroom of the above-entitled court, or as soon thereafter as counsel may be heard.

DATED this 15th day of October 2013.


AUGUST CAHILL
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15th day of October 2013, I mailed a true and correct copy of the foregoing to Holly Koole, Ada County Prosecutor's Office, by placing said same in Interdepartmental Mail.


Katie Van Vorhis

OCT 15 2013

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Holly Koole
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
	)	Case No. CR-FE-2013-0013759
Plaintiff,)	
vs.	)	PRELIMINARY HEARING
	)	RESPONSE TO REQUEST FOR
MURRAY CASEY CARTER,	)	DISCOVERY AND OBJECTIONS
)	
Defendant.)	
_____)	

COMES NOW, Holly Koole, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and submits the following Preliminary Hearing Response to the Request for Discovery and Objections and informs the Court that the State has complied with the Defendant's Request for Discovery as outlined below.

I. DISCLOSURES

16-A Brady-Agurs Disclosure: The prosecution is unaware of any evidence that is exculpatory on its face relating to the offense charged.

With regard to evidence that may be exculpatory as used or interpreted, the prosecution requests that the defense counsel submit, in writing, the defense to be asserted in this case so the prosecution can review its file to determine if any facts, evidence or witnesses may be material to the preparation of that defense. In the alternative, the prosecution offers to defense counsel an open

file policy to review those documents in the control and possession of the prosecution that may be exculpatory in some manner to the offense charged.

16-B Stipulation - Request Disclosure:

1. Statement of Defendant: The State has complied with discovery by providing the known statements of the Defendant that are contained in documents and items the State currently has in its possession and will comply with discovery as more information becomes available, as follows:

- a. Audio Taped Confession/Statement, if any exists
- b. Video Taped Confession/Statement, if any exists
- c. Written Confession/Statement, if any exists
- d. As reflected in Police Reports
- e. As reflected in booking sheets

2. Statement of Co-Defendant: See disclosed police reports for statements of Co-Defendant, if any exists.

3. Defendant's Prior Record: The Defendant's prior record disclosed in the following:

- a. NCIC report

4A. Documents and Tangible Objects: Police Reports, Witness Statements, Medical records and/or other tangible documents in possession of the Ada County Prosecutor's Office as of the date of filing of this document disclosed as State's pages 1 through 69. Pursuant to I.C.R. 16(d), the State has provided an unredacted discovery packet for defense counsel and a redacted packet of discovery for the defendant. The unredacted packet of discovery is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

i. Audio/video recordings: The State will provide audio and/or video recordings when they are received, if any exists, in this case. The State will provide unredacted audio and/or video to defense counsel marked "Confidential," which are not to be shared with the defendant or the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. At the preliminary hearing level, upon request, the State will provide redacted audio/video to defense counsel so that redacted audio/video may be shared with the defendant.

B. Photographs: The State will comply with such request as it receives photographs, maps, charts or diagrams, if any exist, in this case.

5. Reports of Examinations and Tests:

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☐ These documents are specifically identified in subsection 4A above.

6. Witnesses: A list of names identifying witnesses and protected contact information has been provided to defense counsel in a letter under separate cover, which is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. The State has provided to defense counsel a separate redacted witness list excluding protected information that can be shared with the defendant.

7. Expert Witnesses: The State will comply with such request as it identifies expert witnesses, if any exist, in this case.

☒ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.

☐ These witnesses have been identified in a letter to defense counsel as described above in subparagraph 6 above.

8. Police Reports: The State possesses police reports, witness statements and other documents which are available upon request. These documents are specifically identified in subparagraph 4(A) above.

II. OBJECTIONS

A. The State has excluded the identity of the Confidential Informant from this Discovery Response. The grounds for this objection is/are as follows. Pursuant to I.C.R. 16(g)(2) and I.R.E. 509, the identity of a Confidential Informant is excluded unless said Informant is to be produced as a witness at a hearing or trial, subject to any protective order under I.C.R. 16(l) or a disclosure order under Rule 16(b)(9).

B. The State objects to any items in the defendant's request for discovery that would be in violation of state or federal law as follows and requests that if this Court rules that disclosure is required, that this Court also issue a protective order pursuant to I.C.R. 16(l):

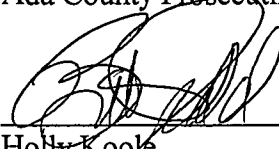
☒ NCIC criminal history for all witnesses. The State is not permitted to use NCIC for this purpose pursuant to federal law and hereby objects to providing this material.

☒ A police officer(s)' internal affairs files and/or other personnel documents. Personnel documents are confidential matters pursuant to State law. The State hereby objects to providing this material.

☐ Other

RESPECTFULLY SUBMITTED this 15th day of October 2013.

GREG H. BOWER
Ada County Prosecuting Attorney



Holly Koole
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 15th day of October 2013, I caused to be served, a true and correct copy of the foregoing Preliminary Hearing Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

Heidi Koonce, Ada County Public Defender

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____



OCT 15 2013

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Holly Koole
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2013-0013759
)	
vs.	)	REQUEST FOR DISCOVERY
)	
MURRAY CASEY CARTER,)	
)	
Defendant.)	
_____)	

TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE that the undersigned, pursuant to Rule 16 of the Idaho Criminal Rules, requests Discovery and inspection of the following:

(1) Documents and Tangible Objects:

Request is hereby made by the prosecution to inspect and copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the defendant, and which the defendant intends to introduce in evidence at trial.

(2) Reports of Examinations and Tests:

The prosecution hereby requests the defendant to permit the State to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial, or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

(3) Defense Witnesses:

The prosecution requests the defendant to furnish the State with a list of names and addresses of witnesses the defendant intends to call at trial.

(4) Expert Witnesses:

The prosecution requests the defendant to provide a written summary or report of any testimony that the defense intends to introduce pursuant to Idaho Criminal Rule 16(c)(4), including the facts and data supporting the opinion and the witness's qualifications.

(5) Pursuant to Idaho Code Section 19-519, the State hereby requests that the defendant state in writing within ten (10) days any specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

DATED this 15 day of October 2013.

GREG H. BOWER
Ada County Prosecuting Attorney



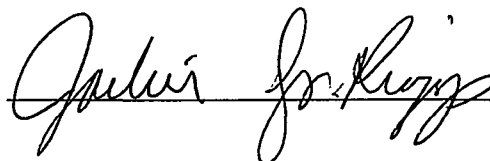
Holly Koole
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of October 2013, I caused to be served, a true and correct copy of the foregoing Request for Discovery upon the individual(s) named below in the manner noted:

Heidi Koonce, Ada County Public Defender

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____

A handwritten signature in cursive script, appearing to read "Justin J. Kopp", written over a horizontal line.

195
ATT
10/23
1:30

NO. 10
A.M. FILED P.M.

OCT 17 2013

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Holly Koole
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702-5954
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
	)	Case No. CR-FE-2013-0013759
Plaintiff,)	
vs.	)	FIRST SUPPLEMENTAL
	)	PRELIMINARY HEARING
MURRAY CASEY CARTER,	)	RESPONSE TO REQUEST FOR
	)	DISCOVERY AND OBJECTIONS
Defendant.)	
_____)	

COMES NOW, Holly Koole, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, and submits the following First Supplemental Preliminary Hearing Response to the Request for Discovery and Objections and informs the Court that the State has complied with the Defendant's Request for Discovery as outlined below.

I. DISCLOSURES

16-A Brady-Agurs Disclosure: The prosecution is unaware of any evidence that is exculpatory on its face relating to the offense charged.

With regard to evidence that may be exculpatory as used or interpreted, the prosecution requests that the defense counsel submit, in writing, the defense to be asserted in this case so the prosecution can review its file to determine if any facts, evidence or witnesses may be material to the preparation of that defense. In the alternative, the prosecution offers to defense counsel an open

SW

file policy to review those documents in the control and possession of the prosecution that may be exculpatory in some manner to the offense charged.

16-B Stipulation - Request Disclosure:

1. Statement of Defendant: The State has complied with discovery by providing the known statements of the Defendant that are contained in documents and items the State currently has in its possession and will comply with discovery as more information becomes available, as follows:

- a. Audio Taped Confession/Statement, if any exists
- b. Video Taped Confession/Statement, if any exists
- c. Written Confession/Statement, if any exists
- d. As reflected in Police Reports
- e. As reflected in booking sheets

2. Statement of Co-Defendant: See disclosed police reports for statements of Co-Defendant, if any exists.

3. Defendant's Prior Record: The Defendant's prior record disclosed in the following:

- a. NCIC report

4A. Documents and Tangible Objects: Police Reports, Witness Statements, Medical records and/or other tangible documents in possession of the Ada County Prosecutor's Office as of the date of filing of this document disclosed as State's pages 70 through 84. Pursuant to I.C.R. 16(d), the State has provided an unredacted discovery packet for defense counsel and a redacted packet of discovery for the defendant. The unredacted packet of discovery is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need.

i. Audio/video recordings: The State will provide audio and/or video recordings when they are received, if any exists, in this case. The State will provide unredacted audio and/or video to defense counsel marked "Confidential," which are not to be shared with the defendant or the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. At the preliminary hearing level, upon request, the State will provide redacted audio/video to defense counsel so that redacted audio/video may be shared with the defendant.

B. Photographs: The State will comply with such request as it receives photographs, maps, charts or diagrams, if any exist, in this case.

5. Reports of Examinations and Tests:

- ☐ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.
- ☐ These documents are specifically identified in subsection 4A above.

6. Witnesses: A list of names identifying witnesses and protected contact information has been provided to defense counsel in a letter under separate cover, which is not to be disclosed to the defendant or to the defendant's family pursuant to I.C.R. 16(d) without the consent of the prosecuting attorney or an order of the court upon a showing of need. The State has provided to defense counsel a separate redacted witness list excluding protected information that can be shared with the defendant.

7. Expert Witnesses: The State will comply with such request as it identifies expert witnesses, if any exist, in this case.

- ☐ The State will comply with such request as it receives reports of examinations and tests, if any exist, in this case.
- ☐ These witnesses have been identified in a letter to defense counsel as described above in subparagraph 6 above.

8. Police Reports: The State possesses police reports, witness statements and other documents which are available upon request. These documents are specifically identified in subparagraph 4(A) above.

II. OBJECTIONS

A. The State has excluded the identity of the Confidential Informant from this Discovery Response. The grounds for this objection is/are as follows. Pursuant to I.C.R. 16(g)(2) and I.R.E. 509, the identity of a Confidential Informant is excluded unless said Informant is to be produced as a witness at a hearing or trial, subject to any protective order under I.C.R. 16(l) or a disclosure order under Rule 16(b)(9).

B. The State objects to any items in the defendant's request for discovery that would be in violation of state or federal law as follows and requests that if this Court rules that disclosure is required, that this Court also issue a protective order pursuant to I.C.R. 16(l):

- ☒ NCIC criminal history for all witnesses. The State is not permitted to use NCIC for this purpose pursuant to federal law and hereby objects to providing this material.

☒ A police officer(s)' internal affairs files and/or other personnel documents. Personnel documents are confidential matters pursuant to State law. The State hereby objects to providing this material.

☐ Other

RESPECTFULLY SUBMITTED this 16 day of October 2013.

GREG H. BOWER

Ada County Prosecuting Attorney


Holly Koole

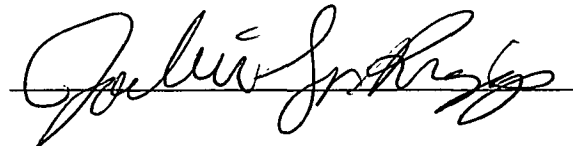
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 16th day of October 2013, I caused to be served, a true and correct copy of the foregoing Preliminary Hearing Response to Request for Discovery and Objections upon the individual(s) named below in the manner noted:

August Cahill, Ada County Public Defender

- ☐ By depositing copies of the same in the United States mail, postage prepaid, first class.
- ☒ By depositing copies of the same in the Interdepartmental Mail.
- ☐ By hand delivering copies of the same to defense counsel.
- ☐ By informing the office of said individual(s) that said copies were available for pickup at the Office of the Ada County Prosecutor.
- ☐ By faxing copies of the same to said attorney(s) at the facsimile number: _____



195
AR
10/23
1:30

NO. 10
A.M. 10 FILED PM

OCT 21 2013

CHRISTOPHER D. RICH, Clerk
By MAURA OLSON
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2013-0013759
)	
vs.	)	INFORMATION
)	
MURRAY CASEY CARTER,	)	Defendant's DOB [REDACTED]
	)	Defendant's SSN: [REDACTED]
Defendant.)	
_____)	

GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that MURRAY CASEY CARTER is accused by this Information of the crimes of: I. ELUDING A POLICE OFFICER, FELONY, I.C. §49-1404 II. OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL (SECOND WITHIN TEN YEARS), MISDEMEANOR, I.C. §18-8004, 8005(4) and III. DRIVING WITHOUT PRIVILEGES, MISDEMEANOR, I.C. §18-8001(3) which crimes were committed as follows:

MO

COUNT I

That the Defendant, MURRAY CASEY CARTER, on or about the 30th day of September, 2013, in the County of Ada, State of Idaho, did operate a motor vehicle, to-wit: a black 2001 Pontiac Grand Am at or about Deer Flat Road and Linder to Eagle and willfully fled and/or eluded a pursuing police vehicle after being given a visual signal and/or audible signal to stop, and in so doing traveled in excess of thirty (30) miles per hour above the posted speed limit, and/or caused damage to the property of another or bodily injury to another and/or drove his vehicle in a manner as to endanger or be likely to endanger the property of another or the person of another, to-wit: by traveling approximately eighty-five (85) miles per hour in a fifty (50) mile per hour zone, driving recklessly by running red light(s) nearly striking other vehicles, and running off the road and into a ditch striking a stop sign.


COUNT II

That the Defendant, MURRAY CASEY CARTER, on or about the 30th day of September, 2013, in the County of Ada, State of Idaho, did drive and/or was in actual physical control of a motor vehicle, to-wit: a black 2001 Pontiac Grand Am, on or at Deer Flat Road and Linder to Eagle, while under the influence of alcohol or, in the alternative, did drive and/or was in actual physical control of the above-described motor vehicle at the above-described location, with an alcohol concentration of .08 or more, to-wit: .135/.116 as shown by an analysis of his breath and having pled guilty to or having been found guilty of a violation of I.C. §18-8004, or substantially conforming foreign criminal violation, within the previous ten years (10) years.

COUNT III

That the Defendant, MURRAY CASEY CARTER, on or about the 30th day of September, 2013, in the County of Ada, State of Idaho, did drive and/or was in actual physical control of a motor vehicle, to-wit: a black 2001 Pontiac Grand Am, upon a highway, to-wit: Deer Flat Road and Linder to Eagle, knowing his driver's license and/or driving privileges were suspended in Idaho.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.



GREG H. BOWER
Ada County Prosecuting Attorney

Ada County Mugshot - Prosecutor's Office



User: PRRIGGJW



Photo Taken: 2013-09-30 23:20:52

Name: CARTER, MURRAY CASEY

Case #: CR-FE-2013-0013759

LE Number: 688980

DOB: [REDACTED]

SSN: [REDACTED]

Height: 508

Weight: 196

Drivers License Number:

Drivers License State:

Sex: M **Race:** W **Eye Color:** BRO **Hair Color:** BRO **Facial Hair:**

Marks: HAND, LEFT

Scars:

Tattoos:

000037

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>1:43:46 PM</u>		MURRAY CARTER CR FE 13 13759 ARRAIGNMENT
<u>1:43:59 PM</u>		Present: Barbara Duggan for the State, Gus Cahill for defense, defendant in custody
<u>1:44:09 PM</u>	Defendant	Read, write, understand English. Understood rights. True name. Waive formal reading.
<u>1:44:24 PM</u>	Court	Advice of charges, maximum penalties.
<u>1:46:53 PM</u>	Cahill	One week. Defendant is a bit hard of hearing.
<u>1:47:11 PM</u>	Court	10/30/13 @ 1:30pm. Confirms defendant heard everything today.
<u>1:47:56 PM</u>		End of case

<u>Time</u>	<u>Speaker</u>	<u>Note</u>
<u>2:42:11 PM</u>		MURRAY CARTER CR FE 13 13759 ENTRY OF PLEA
<u>2:42:23 PM</u>		Present: Barbara Duggan for the State, Gus Cahill for defense, defendant in custody
<u>2:42:43 PM</u>	Cahill	There is a plea bargain. He'll plead to Counts I and II. State will dismiss III, will recommend on Count I imposition of 5 = 2 + 3. Will be some restitution, PD reimbursement, fine. I'm going to be asking for probation.
<u>2:44:36 PM</u>	Court	Reviews plea bargain. Assume Count II (whatever the Court does) will be concurrent to Count I. Open argument on DL suspension, but there is a mandatory one year on Count II.
<u>2:48:44 PM</u>	Court	Inquires of Mr. Cahill. Will order PSI and alcohol evaluation.
<u>2:51:01 PM</u>	Court	Inquires of defendant.
<u>2:52:05 PM</u>		Defendant sworn, examined by the Court.
<u>2:59:49 PM</u>	Court	Accepts pleas. Order PSI. SH 12/11/13 @ 9am. Make sure he provides medical releases. Will also do 19-2524 MH assessment.
<u>3:02:12 PM</u>		End of case
<u>3:02:38 PM</u>		Brief recess

OCT 30 2013

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT IN AND
FOR THE COUNTY OF ADA IN AND FOR THE STATE OF IDAHO
CHRISTOPHER D. RICH, Clerk
BETH MASTERS
DEPUTY

GUILTY PLEA ADVISORY AND FORM (JUDGE CHERI COPSEY)

TO BE FILLED OUT BY THE DEFENDANT

Defendant's Name: MURRAY C. Carter Signature: Murray C. Carter

Date: Oct 30, 2013 Case Number: CRFE-13-13759

Age: 33 Date of Birth: [REDACTED]

Nature of Charge(s):

Minimum & Maximum Possible Penalty:

<u>Eluding</u>	<u>5 yrs / fine / license suspension</u>
<u>DUI</u>	<u>1 year / fine / " "</u>
<u>DWP</u>	<u>6 months / " / " "</u>

STATEMENT OF RIGHTS & EXPLANATION OF WAIVERS BY PLEA OF GUILTY
(PLEASE INITIAL EACH RESPONSE)

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you choose to have a trial, the State cannot require you to testify. If you do decide to testify, however, the State will be permitted to ask you questions on cross examination and anything you say can be used as evidence against you in court.

I understand that by pleading guilty I am waiving my right to remain silent before and during trial. MCC

2. The waiver of your right to remain silent only applies to your plea of guilty to the crime(s) in this case. Even after pleading guilty, you will still have the right to refuse to answer any question or to provide any information that might tend to show you committed some other crime(s). You can also refuse to answer or provide any information that might tend to increase the punishment for the crime(s) to which you are pleading guilty.

I understand that by pleading guilty to the crime(s) in this case, I still have the right to remain silent with respect to any other crime(s) and with respect to answering questions or providing information that may increase my sentence. MCC

3. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the judge for an attorney who will be paid by the county. *MCC*
4. You are presumed to be innocent. You would be found guilty if: 1) you plead guilty in front of the judge, or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am waiving my right to be presumed innocent. *MCC*

5. You have the right to a speedy and public jury trial. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. The state must convince each and every one of the jurors of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am waiving my right to a speedy and public jury trial. *MCC*

6. You have the right to confront the witnesses called against you. This occurs during a jury trial where the state must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call your own witnesses of your choosing to testify concerning your guilt or innocence. If you do not have the funds to bring those witnesses to court, the state will pay the cost of bringing your witnesses to court.

I understand that by pleading guilty, I am waiving my right to confront the witnesses against me, to present witnesses on my own behalf and to present evidence in my defense. *MCC*

7. The State has the burden of proving you guilty beyond a reasonable doubt.

I understand that by pleading guilty, I am waiving my right to require the State to prove my guilt beyond a reasonable doubt. *MCC*

QUESTIONS REGARDING PLEA

(Please answer every question. If you do not understand a question consult your attorney before answering.)

PLEASE CHECK ONE

1. Do you read and write the English language?
If not, have you been provided with an interpreter to help you fill out this form?

YES ☒ NO ☐

YES ☐ NO ☒

2. What is your true and legal name? *Murray Casey Carter*
3. What was the highest grade you completed? *9th*

If you did not complete high school, have you received either a GED or HSE?

YES ☐ NO ☒

4. Are you currently under the care of a mental health professional? YES ☐ NO ☒

If you answered "yes," what is the mental health professional's name? _____

5. Have you ever been diagnosed with a mental health disorder? YES ☒ NO ☐

If you answered "yes," what was the diagnosis and when was it made?

I took Zoloft when I was 10 yrs old

6. Are you currently prescribed any medication? YES ☐ NO ☒

If you answered "yes," what medications are you taking at this time?

If you answered "yes," have you taken your prescription medication during the past 24 hours? YES ☐ NO ☐

7. In the last 24 hours, have you taken any medications or drugs, **INCLUDING over the counter drugs**, or drunk any alcoholic beverages? YES ☐ NO ☒

If "yes," what have you taken? _____

Do you believe this affects your ability to understand these questions, and make a reasoned and informed decisions in this case? YES ☐ NO ☒

8. Is there any other reason that you would be unable to make a reasoned and informed decision in this case? YES ☐ NO ☒

If "yes," what is the reason? _____

9. Is your guilty plea the result of a plea agreement? YES ☒ NO ☐

If you answered "yes," what are the terms of that plea agreement? (If available, a written plea agreement should be attached hereto as "Addendum 'A'")

Plea to the Gladius and D.W.I. Dismiss D.W.I. the state will recommend 5 yrs. 2 + 3, and my lawyer will ask for Probation.

10. There are two types of plea agreements. Please initial the ONE paragraph below which describes the type of plea you are entering. **DO NOT INITIAL BOTH PARAGRAPHS:**

a. I understand that the Court is NOT bound by the plea agreement or any sentencing recommendations, and may impose any sentence authorized by law, including the maximum sentence stated above. Because the court is not bound by the agreement, if the district court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. MCS

b. I understand that my plea agreement is a binding plea agreement. This means that if the district court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty pursuant to Rule 11(d)(4) of the Idaho Criminal Rules and proceed to a jury trial. _____.

11. As a term of your plea agreement, are you pleading guilty to more than one crime? YES ☒ NO ☐

If you answered "yes," do you understand that your sentence for each crime could be ordered to be served either concurrently (at the same time) or consecutively (one after the other)? YES ☒ NO ☐

12. Do you feel you have had sufficient time to discuss your case with your attorney? YES ☒ NO ☐

13. Have you told your attorney everything you know about the crime? YES ☒ NO ☐

14. Is there anything you have requested your attorney to do that your attorney has not done? YES ☐ NO ☒

If you answered "yes," please explain. _____

15. Your attorney can get various items from the prosecutor relating to your case. This may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called discovery. Have you reviewed the evidence provided to your attorney during discovery? YES ☒ NO ☐

16. Are there any witnesses who could show you are innocent? YES ☐ NO ☒

If you answered "yes," have you told your attorney who those witnesses are?

YES ☐ NO ☒

17. Is this a conditional guilty plea in which you are reserving your right to appeal any pre-trial issues? YES ☐ NO ☒

If you answered "yes," what issue are you reserving the right to appeal?

18. Do you understand that if you enter an unconditional guilty plea in this case you will not be able to challenge any rulings that came before the guilty plea including:

- 1) any searches or seizures that occurred in your case,
- 2) any issues concerning the method or manner of your arrest, and
- 3) any issues about any statements you may have made to law enforcement?

YES ☒ NO ☐

19. Have you waived your right to appeal your judgment of conviction and sentence as part of your plea agreement? YES ☐ NO ☒

20. Have any other promises been made to you which have influenced your decision to plead guilty? YES ☐ NO ☒

If you answered "yes," what are those promises?

21. Do you understand that by pleading guilty you waive or give up any defenses, both factual and legal, that you believe you may have in this case? YES ☒ NO ☐

22. Are there any motions or other requests for relief that you believe should still be filed in this case? YES ☐ NO ☒

If you answered "yes," what motions or requests? _____

23. Do you understand that when you plead guilty, you are admitting the truth of each and every allegation contained in the charge(s) to which you plead guilty? YES ☒ NO ☐

24. Are you currently on probation or parole? YES ☐ NO ☒

If you answered "yes", do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole and additional punishment?

YES ☐ NO ☐

Do you also understand that this sentence can be served consecutively to any other sentence you are currently serving? YES ☐ NO ☐

25. As a result of your plea in this case, have you been advised that you may be required pay restitution to any victim in this case pursuant to I.C. §19-5304?

YES ☒ NO ☐

If "yes", to whom?

Highway District

26. As a result of your plea in this case, have you been advised that you may be required to pay restitution to any other party as a condition of your plea agreement?

YES ☐ NO ☒

If "yes", to whom?

27. As a result of your plea in this case, will you be required to pay the costs of prosecution and investigation? (I.C. § 37-2732(k))

YES ☐ NO ☒

28. As a result of your plea in this case, do you understand you will be required to submit a DNA sample to the state and pay for any testing of that sample? (I.C. § 19-5506)

YES ☒ NO ☐

29. As a result of your plea in this case, do you understand that the court can impose a fine for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. § 19-5307)

YES ☐ NO ☒

30. As a result of your plea in this case, is there a **mandatory** driver's license suspension?

YES ☒ NO ☐

If "yes", for how long *must* your license be suspended?

1-3

31. As a result of your plea in this case, is there a mandatory domestic violence, substance abuse, or psychosexual evaluation? (I.C. §§ 18-918(7)(a), -8005(9), -8317)

YES ☒ NO ☒

32. Have you discussed with your attorney the fact the Court will order a pre-sentence investigation, psychosexual evaluation, anger evaluation and/or domestic violence evaluation and that anything you say during any of those examinations may be used against you in sentencing?

YES ☒ NO ☐

33. Has your attorney explained the fact that you have a constitutional right to remain silent during any of those examinations but that you may give up that right and voluntarily participate in those examinations?

YES ☒ NO ☐

34. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a Persistent Violator? (I.C. § 19-2514)

YES ☒ NO ☐

Do you understand that if you are convicted as a Persistent Violator, the court in that new case could sentence you to an enhanced sentence which could include life imprisonment? YES ☒ NO ☐

35. As a result of your plea in this case, will you be required to register as a sex offender? (I.C. § 18-8304) YES ☐ NO ☒

If you answered "yes" to this question, do you understand that if you are found guilty or plead guilty to another charge that requires you to register as a sex offender in the future, you could be charged in the new crime under I.C. § 19-2520G requiring a mandatory sentence of fifteen (15) years to run consecutive to any other sentence imposed by the court? YES ☐ NO ☐

36. Do you understand that if you plead guilty to a felony, you will lose your right to vote in Idaho during the period of your sentence? (Id. CONST. art. 6, § 3) YES ☒ NO ☐

37. Do you understand that if you plead guilty to a felony, you will lose your right to hold public office in Idaho during the period of your sentence? (Id. CONST. art. 6, § 3) YES ☒ NO ☐

38. Do you understand that if you plead guilty to a felony, you will lose your right to perform jury service in Idaho during the period of your sentence? (Id. CONST. art. 6, § 3) YES ☒ NO ☐

39. Do you understand that if you plead guilty to a felony you will lose your right to purchase, possess, or carry firearms? (I.C. § 18-310) YES ☒ NO ☐

40. Do you understand that *no one*, including your attorney, can force you to plead guilty in this case? YES ☒ NO ☐

41. Are you pleading guilty freely and voluntarily? YES ☒ NO ☐

42. Are you pleading guilty because you committed the acts alleged in the information or indictment? YES ☒ NO ☐

43. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter? YES ☐ NO ☐ NA ☒

44. Has *any* person (including a law enforcement officer or police officer or your attorney) threatened you or done anything to make you enter this plea against your will? YES ☐ NO ☒

If your answer is "yes," what threats have been made and by whom?

45. Other than in the plea agreement, has any person promised you that you will receive any special sentence, reward, favorable treatment, or leniency with regard to the plea you are about to enter? YES ☐ NO ☒

If your answer is "yes," what promises have been made and by whom?

46. Do you understand that the only person who can promise what sentence you will actually receive is the Judge? YES ☒ NO ☐

Has the Judge made any promises to you?

YES ☐ NO ☒

47. Are you satisfied with your attorney?

YES ☒ NO ☐

48. Have you answered all questions on this Questionnaire truthfully and of your own free will? YES ☒ NO ☐

49. Have you had any trouble answering any of the questions in this form which you could not work out by discussing the issue with your attorney? YES ☐ NO ☒

50. **IF YOU ARE NOT A CITIZEN OF THE UNITED STATES**, do you understand that by pleading guilty, or making factual admissions, this will trigger deportation or removal proceedings, meaning that you face being removed from the United States and returned to your country of origin, and the loss of your ability to obtain legal status in the United States, or denial of an application for United States citizenship?

YES ☐ NO ☐ NA ☒

Have you and your attorney discussed these issues?

YES ☐ NO ☐ NA ☒

51. Do you swear under penalty of perjury that your answers to these questions are true and correct? YES ☒ NO ☐

I have answered the questions on pages 1-8 of this Guilty Plea Advisory form truthfully. I understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this 30 day of October, 2013


DEFENDANT

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.


DEFENDANT'S ATTORNEY

Time	Speaker	Note
<u>9:31:17 AM</u>		MURRAY CARTER CR FE 13 13759 SENTENCING
<u>9:31:29 AM</u>		Present: Barbara Duggan for the State, Gus Cahill for defense, defendant in custody
<u>9:31:31 AM</u>	Court	Reviews plea agreement.
<u>9:32:24 AM</u>	Counsel	No legal cause.
<u>9:32:49 AM</u>	Duggan	No objection to letters submitted by defense being made part of PSI.
<u>9:32:55 AM</u>	Counsel	No legal cause. Have reviewed PSI (as has defendant). No deficiencies/errors; no objections to anything included; no additional investigation/eval needed.
<u>9:33:37 AM</u>	Duggan	Submits order for restitution in amount of \$261.16.
<u>9:34:02 AM</u>	Cahill	No objection, will stipulate to that amount. Also would like letter from jail re completion of class included in PSI.
<u>9:34:36 AM</u>	Court	Will include it.
<u>9:34:36 AM</u>	Duggan	On Count I, recommend JOC 2 + 3 = 5. On Count II, recommend JOC 1y fixed concurrent with Count I.
<u>9:39:39 AM</u>	Cahill	Ask for probation.
<u>9:46:52 AM</u>	Defendant	Addresses the Court on his own behalf.
<u>9:47:44 AM</u>	Court	Find defendant is guilty of these two crimes. Don't think probation is appropriate, think defendant needs Therapeutic Community so he can get some intensive treatment. Count I: JOC 5 = 1 + 4. DL suspended for up to 3y following release from incarceration. Count II: 1y fixed concurrent with Count I. DL suspended for mandatory minimum of 1y, consecutive to suspension in Count I. Defendant remanded. Any bail is exonerated. CFTS. Court recommends Therapeutic Community or Work Center. DNA sample. Court costs. No PD reimbursement. No fine. \$261.16 restitution. Appeal rights.
<u>9:58:21 AM</u>		End of case

JAN 09 2014

CHRISTOPHER D. RICH, Clerk
By LUCILLE DANSEREAU
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

MURRAY CASEY CARTER,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CR-FE-2013-0013759

JUDGMENT OF CONVICTION
AND COMMITMENT

WHEREAS, on this 8th day of January 2014; this being the time fixed by the Court for pronouncing sentence upon the Defendant, the Court noted the presence of the Prosecuting Attorney, or his deputy, the Defendant, and August Cahill, counsel for the Defendant, in court.

The Defendant was duly informed of the Information filed, and the Defendant having entered a guilty plea on October 30, 2013, to the crime(s) of I. ELUDING A POLICE OFFICER, FELONY, I.C. § 49-1401; and II. OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL (SECOND WITHIN TEN YEARS), MISDEMEANOR, I.C. §§ 18-8004, 8005(4), committed on or about September 30, 2013. Count(s) III was dismissed pursuant to plea negotiations.

The Defendant, and Defendant's counsel, were then asked if they had any legal cause or reason to offer why judgment and sentence should not be pronounced against the Defendant, and

1 if the Defendant, or Defendant's counsel, wished to make a statement on behalf of the Defendant,
2 or to present any information to the Court in mitigation of punishment; and the Court, having
3 accepted such statements, and having found no legal cause or reason why judgment and sentence
4 should not be pronounced against the Defendant at this time; does render its judgment of
5 conviction as follows, to-wit:

6 That, whereas, the Defendant having pled guilty in this Court to the crime(s) of I. ELUDING
7 A POLICE OFFICER, FELONY, I.C. § 49-1401; and II. OPERATING A MOTOR VEHICLE
8 WHILE UNDER THE INFLUENCE OF ALCOHOL (SECOND WITHIN TEN YEARS),
9 MISDEMEANOR, I.C. §§ 18-8004, 8005(4);
10

11 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Defendant, is
12 guilty of the crime(s) of I. ELUDING A POLICE OFFICER, FELONY, I.C. § 49-1401; and II.
13 OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL
14 (SECOND WITHIN TEN YEARS), MISDEMEANOR, I.C. §§ 18-8004, 8005(4) and that the
15 Defendant be sentenced as follows:

16 **COUNT I** – The Defendant is hereby sentenced to the Idaho State Board of Correction,
17 under the Unified Sentence Law of the State of Idaho, for an aggregate term of five (5) years, to be
18 served as follows: a minimum period of confinement of one (1) year, followed by a subsequent
19 indeterminate period of custody not to exceed four (4) years, said term(s) to commence
20 immediately. The Defendant is to receive credit for one hundred one (101) days previously
21 served.
22

23 The Court recommends that the Defendant be placed in the Therapeutic Community or the
24 Community Work Center.
25

COUNT II – The Defendant is hereby ordered to serve one (1) year in the Ada County Jail, with credit for one hundred one (101) days served, leaving a balance of two hundred sixty-four (264) days to serve, to run **concurrent** with the sentence imposed in Count I.

IT IS FURTHER ORDERED that pursuant to Idaho Code § 31-3201A(b), the Defendant shall pay court costs in the amount of \$17.50 on each count; County Administrative Surcharge Fee in the amount of \$10.00 on each count pursuant to I.C. § 31-4502; P.O.S.T. Academy fees in the amount of \$15.00 on each count pursuant to I.C. § 31-3201B; ISTARs technology fee in the amount of \$10.00 on each count pursuant to I.C. § 31-3201(5); \$75.00 on Count I and \$37.00 on Count II to the Victims Compensation Fund pursuant to I.C. § 72-1025; \$3.00 on each count for the Peace Officer Temporary Disability Fund pursuant to I.C. § 72-1105; \$10.00 on each count victim notification fee pursuant to I.C. § 31-3204; restitution in the amount of \$261.16, plus statutory interest; \$30.00 domestic violence fee on Count II; \$15.00 surcharge required by I.C. § 18-8010 for interlock ignition and electronic monitoring devices on Count II; and \$100.00 on Count I and \$50.00 on Count II emergency surcharge fee pursuant to I.C. § 31-3201H. The Defendant shall pay an amount to be determined by the Department of Correction, not to exceed \$100.00, for the cost of conducting the presentence investigation and preparing the presentence investigation report. The amount will be determined by the Department and paid by the Defendant in accordance with the provisions of I.C. § 19-2516.

IT IS FURTHER ORDERED on Count I that the Defendant's driver's license shall be suspended for a three (3) year period to begin following release from incarceration or following

1 the end of any period of suspension, disqualification or revocation existing at the time of the
2 violation, whichever is longer.

3 IT IS FURTHER ORDERED on Count II, that the Defendant's driver's license shall be
4 suspended for a one (1) year period to run consecutive to the suspension in Count I.

5 The Defendant shall submit a DNA sample and right thumbprint impression to the State of
6 Idaho database as required under Idaho law.

7 Pursuant to I.C. § 67-3004(6), as a condition of this sentence, if the Defendant has not been
8 previously fingerprinted in conjunction with this crime, the Defendant shall be fingerprinted by
9 the Ada County Sheriff's Department even if he/she is placed on probation within five (5) days of
10 this sentence.
11

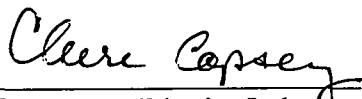
12 IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this judgment to the
13 said Sheriff, which shall serve as the commitment of the Defendant.

14 **NOTICE OF RIGHT TO APPEAL**

15 **YOU, MURRAY CASEY CARTER, ARE HEREBY NOTIFIED** that you have the
16 right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within
17 forty-two (42) days of the entry of the written order in this matter.
18

19 **YOU ARE FURTHER NOTIFIED** that if you are unable to pay the costs of an appeal,
20 you have the right to apply for leave to appeal in forma pauperis or to apply for the appointment of
21 counsel at public expense. If you have questions concerning your right to appeal, you should
22 consult your present lawyer.

23 Dated this 8th day of January 2014.

24 
25 Cheri C. Copsey, District Judge

CERTIFICATE OF MAILING

I, Christopher D. Rich, the undersigned authority, do hereby certify that I have mailed one copy of the: JUDGMENT OF CONVICTION AND COMMITMENT as notice pursuant to Rule 77(d) I.C.R. as follows:

ADA COUNTY PROSECUTOR
VIA E-MAIL

ADA COUNTY PUBLIC DEFENDER
VIA E-MAIL

ADA COUNTY JAIL
VIA E-MAIL

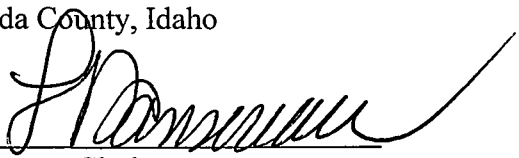
DEPARTMENT OF CORRECTIONS - CENTRAL RECORDS
VIA E-MAIL

PSI DEPT / P&P
VIA E-MAIL

IDAHO TRANSPORTATION DEPARTMENT -- DRIVER'S SERVICES
VIA E-MAIL

CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho

Date: 4/9/14

By 
Deputy Clerk

Ada County Mugshot - Prosecutor's Office



User: PRRIGGJW



Photo Taken: 2013-09-30 23:20:52

Name: CARTER, MURRAY CASEY

Case #: CR-FE-2013-0013759

LE Number: 688980

DOB: [REDACTED]

SSN: [REDACTED]

Height: 508

Weight: 196

Drivers License Number:

Drivers License State:

Sex: M **Race:** W **Eye Color:** BRO **Hair Color:** BRO **Facial Hair:**

Marks: HAND, LEFT

Scars:

Tattoos:

000054

JAN 09 2014

CHRISTOPHER D. RICH, Clerk
By **LUCILLE DANSEREAU**
DEPUTY

Greg H. Bower
Ada County Prosecuting Attorney

Barbara Duggan
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208)-287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2013-0013759
)	
vs.	)	ORDER FOR RESTITUTION
	)	AND JUDGMENT
Murray Casey Carter,)	
)	
Defendant.)	
_____)	

WHEREAS, on the 8th day of Jan 2014, a Judgment of Conviction was entered against the Defendant Murray Casey Carter; and therefore pursuant to Idaho Code §19-5304 and §18-8003(2) and based on evidence presented to this Court;

IT IS HEREBY ORDERED, that the Defendant, Murray Casey Carter, shall make restitution to the victim(s) and/or law enforcement agency(ies) in the following amounts of:

CC: PA/PO

ACHD LEGAL DEPARTMENT

\$261.16

TOTAL:

\$261.16

Post judgment interest on said restitution amount will accrue from the date of this Order and Judgment at the rate specified in Idaho Code §28-22-104.

FURTHER, pursuant to I.C. 19-5305 this Order may be recorded as a judgment against the Defendant, Murray Casey Carter, and the listed victim(s) may execute as provided by law for civil judgments.

FURTHER, it is the responsibility of the Defendant to notify the Restitution Department (208-287-7700) if at any time a victim collects by means of the civil judgment.

IT IS SO ORDERED.

DATED this 8th day of Jan 2013

Murray Casey Carter
Judge

195

NO. _____
A.M. _____ P.M. _____

FEB 13 2014

CHRISTOPHER D. RICH, Clerk
By SARA WRIGHT
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant-Appellant

AUGUST H. CAHILL, ISB #2537
Chief Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

MURRAY CASEY CARTER,

Defendant-Appellant.

Case No. CR-FE-2013-0013759

NOTICE OF APPEAL

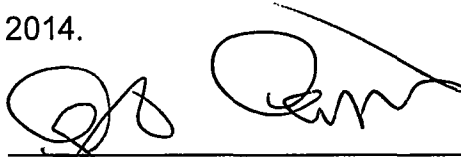
TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE CLERK
OF THE ABOVE-ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

- 1) The above-named Appellant appeals against the above-named respondent to the Idaho Supreme Court from the final decision and order entered against him in the above-entitled action on January 9, 2014, the Honorable Cheri C. Copsey, District Judge presiding.
- 2) That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under, and pursuant to, IAR 11(c)(1-10).
- 3) A preliminary statement of the issues on appeal, which the Appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the Appellant from asserting other issues on appeal is:
 - a) Did the district court err in imposing an excessive sentence?

- 4) There is a portion of the record that is sealed. That portion of the record that is sealed is the pre-sentence investigation report (PSI).
- 5) Reporter's Transcript. The Appellant requests the preparation of the entire reporter's standard transcript as defined by IAR 25(d). The Appellant also requests the preparation of the additional portions of the reporter's transcript:
 - a) Entry of guilty plea hearing held October 30, 2013 (Court Reporter: Kim Madsen. Estimated pages: 50).
 - b) Sentencing hearing held January 08, 2014 (Court Reporter: Kim Madsen. Estimated pages: 50).
- 6) Clerk's Record. The Appellant requests the standard clerk's record pursuant to IAR 28(b)(2). In addition to those documents automatically included under IAR 28(b)(2), Appellant also requests that any exhibits, including but not limited to letters or victim impact statements, addenda to the PSI, or other items offered at the sentencing hearing be included in the Clerk's Record.
- 7) I certify:
 - a) That a copy of this Notice of Appeal has been served on the Court Reporter(s) mentioned in paragraph 5 above.
 - b) That the Appellant is exempt from paying the estimated fee for the preparation of the record because the Appellant is indigent. (I.C. §§ 31-3220, 31-3220A, IAR 24(e)).
 - c) That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§ 31-3220, 31-3220A, IAR 23(a)(8)).
 - d) Ada County will be responsible for paying for the reporter's transcript, as the client is indigent (I.C. §§ 31-3220, 31-3220A, IAR 24(e)).
 - e) That service has been made upon all parties required to be served pursuant to IAR 20.

DATED this 13th day of February 2014.



August H. Cahill
Attorney for Defendant

CERTIFICATE OF MAILING

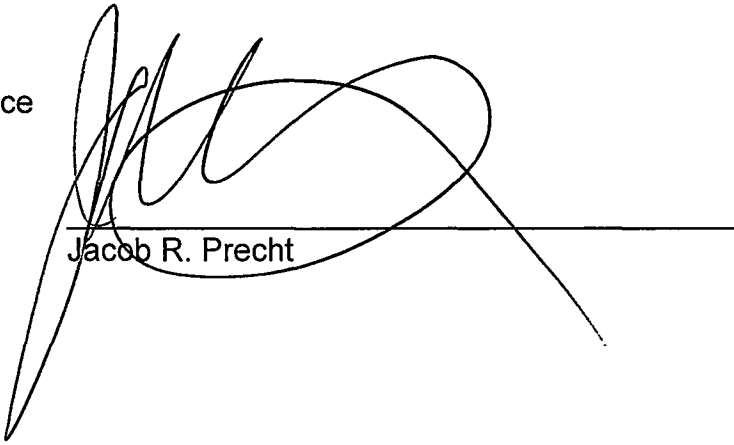
I HEREBY CERTIFY, that on this 13 day of February 2014, I mailed (served) a true and correct copy of the within instrument to:

Idaho Attorney General
Criminal Division
Joe R. Williams Bldg., 4th Flr.
Statehouse Mail

Idaho Appellate Public Defender
3050 North Lake Harbor Lane, Suite 100
Boise, Idaho 83703

Kim Madsen
Court Reporter
Interdepartmental Mail

Barbara A. Duggan
Ada County Prosecutor's Office
Interdepartmental Mail



Jacob R. Precht

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant-Appellant

AUGUST H. CAHILL, ISB #2537
Chief Deputy Public Defender
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

RECEIVED

FEB 13 2014

ADA COUNTY CLERK

NO. _____ FILED _____ P.M. 5

FEB 19 2014

CHRISTOPHER D. RICH, Clerk
By BETH MASTERS
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

MURRAY CASEY CARTER,

Defendant-Appellant.

Case No. CR-FE-2013-0013759

ORDER APPOINTING STATE
APPELLATE PUBLIC DEFENDER ON
DIRECT APPEAL

Defendant has elected to pursue a direct appeal in the above-entitled matter. Defendant being indigent and having heretofore been represented by the Ada County Public Defender's office in the District Court, the Court finds that, under these circumstances, appointment of appellate counsel is justified. The Idaho State Appellate Public Defender shall be appointed to represent the above-named Defendant in all matters pertaining to the direct appeal. *sc*

SO ORDERED AND DATED this 18 day of February 2014.


Cheri C. Copsey
District Judge

CERTIFICATE OF MAILING

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have mailed one copy of the Order Appointing State Appellate Public Defender on Direct Appeal as notice pursuant to the Idaho Rules to each of the parties of record in this case in envelopes addressed as follows:

Idaho Attorney General
Criminal Division
Joe R. Williams Bldg., 4th Flr.
Statehouse Mail

Idaho Appellate Public Defender
3050 North Lake Harbor Lane, Suite 100
Boise, Idaho 83703

Barbara A. Duggan
Ada County Prosecutor's Office
Interdepartmental Mail

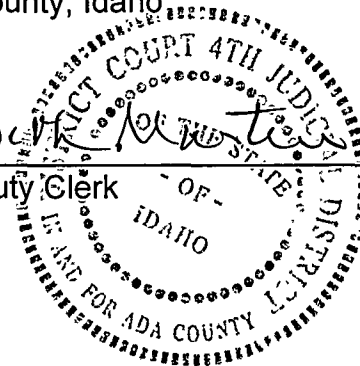
Ada County Public Defender
Attn: Jacob Precht
Interdepartmental Mail

CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho

Date: 20 Feb 2014

By

Deputy Clerk



195

9
A.M. FILER P.M.

FEB 21 2014

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

Inmate name Murray Casey Carter
IDOC No. 166574
Address 15505 Pleasant Valley Rd.
Kuna, ID. 83634

Defendant

IN THE DISTRICT COURT OF THE Fourth JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
Murray Casey Carter)
Defendant.)

Case No CR-FE-2013-0013759

MOTION FOR
CORRECTION OR
REDUCTION OF
SENTENCE, ICR 35

COMES NOW, Murray Casey Carter Defendant in the instant action, and pursuant to Idaho Criminal Rule 35, moves this Honorable Court for its Order:

- ☐ Correcting the Defendant's illegal sentence, or
☒ Reducing Defendant's sentence for the reasons stated on page two of this motion:

1. The Defendant was convicted of DAI Second Offense / Eluding before the Honorable Judge Copsey and sentenced to a term of imprisonment in the custody of the Idaho Department of Correction for:

☒ a unified term of 5 years including 1 years fixed followed by 4 years indeterminate,

☐ a fixed term of _____ years.

2. The Defendant has been incarcerated since September 30, 2013 and has served 4 1/2 months (months/years) of the sentence.

MOTION FOR REDUCTION OR CORRECTION OF SENTENCE, ICR 35 - 1
Revised: 10/06/05

3. The Defendant believes:

☒ The Court should reconsider its earlier sentence and reduce the same on the following grounds, or,

☐ The sentence is illegal and should be changed on the following grounds:

(State the reasons why you believe your sentence should be reduced. You may add extra pages if necessary. Any additional documentation must be attached hereto.)

I Murray Casey Carter am Respect Full Requesting
This Honorable Court to please reduce my sentence
on case No CR-FE-2013-0013759 the offence Felony
Eluding on the Basis That I had just left my Grandmothers
Birthday party/Family gathering and had been driving
home while unintelegantly impaired after drinking
while at the reunion. Duely because of an argument
that insued with my exgirlfriend before the reunion and
I hadnt relised that the officer was behind me trying
to pull me over due to being Empaired.

I appoligise for not being observant of the Officer
and I had no Intention to Elude him. But thru the
advice of my Public Offender I pled guilty to the
Charge of Second offence DUI misdemeanor and Felony Elude. I've
never Eluded or attempted to Elude an Officer and since this is the
first offence Elude charge I would respect Fully Request that the Court
to show Lienency and Reduce the Indeterimint Portion of the
sentence to 1 year Fixed and 2 years Indeteriment.

Thank You Sincerely
Murray Casey Carter

Defendant additionally submits the following documentation for consideration:

I'm being housed at the C.A.P.P. Facility attending AA-NA meetings and celebrating Recovery while waiting to be enrolled in to the Therapeutic Community Program.

WHEREFORE, the Defendant, Murray Casey Carter, respectfully prays

this Honorable Court to reduce or correct the sentence as follows:

Reduce my sentence From 1 Fixed / 4 Indeterminate to 1 Fixed / 2 years Indeterminate.

_____ or grant such other and further relief, as the Court deems appropriate.

Respectfully submitted this 19 day of February, 2014.

Murray Casey Carter
Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 19 day of February, 2014, I delivered to prison authorities for the purpose of mailing a true and correct copy of the MOTION FOR REDUCTION OF CORRECTION OF SENTENCE, ICR 35 via prison mail system for processing to the U.S. mail system to:

ADA County Prosecuting Attorney
200W Frontst.
Boise, ID 83702

Murray Casey Carter
Defendant

N. 9 FILED
A.M. 9 P.M.
FEB 21 2014

Inmate name Murray Casey Carter
IDOC No. 66594
Address 15505 Pleasant Valley Rd.
Kuna, ID. 83634

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Murray Casey Carter,

Defendant.

Case No. CR-FE-2013-0013759

MOTION FOR HEARING

COMES NOW, Murray Casey Carter, Defendant, in the above
entitled matter and moves this Honorable Court to grant Defendant's Motion for Hearing so that
information and oral argument can be presented in support of the Idaho Criminal Rule 35 motion
for a reduction of sentence.

WHEREFORE, Defendant respectfully prays that this Honorable Court issue it's Order
granting Defendant's Motion for Hearing.

DATED this 19 day of February, 2014.

Murray Casey Carter
Defendant

MOTION FOR HEARING - 1

Revised: 10/05/05

000065

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 19 day of February, 2014, I delivered to prison authorities for the purpose of mailing a true and correct copy of the MOTION FOR HEARING via prison mail system for process to the U.S. mail system to:

ADA County Prosecuting Attorney
200 W Front St.
Boise, ID. 83702

Murray Casey Carter
Defendant

RECEIVED

Inmate name Murray Casey Carter FEB 21 2014
IDOC No. 66594
Address 15505 Pleasant Valley Rd. Ada County Clerk
Kuna, ID. 83634

Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Murray Casey Carter

Defendant.

Case No CR-FE-2013-0013759

**ORDER GRANTING
MOTION FOR HEARING
AND NOTICE OF
HEARING**

IT IS HEARBY ORDERED that the Defendant's Motion for Hearing is granted so that information and oral argument can be presented in support of the Idaho Criminal Rule 35 motion for a reduction of sentence. A hearing will be held at _____ (location) on the ____ day of _____, 20__, at _____ (time) _____ (time zone). The hearing will be held ____ in person/ ____ by telephone. If by telephone the Court will initiate the phone call at a phone number provided by the IDOC paralegal.

DATED this ____ day of _____, 20__.

District Judge

FEB 21 2014

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

Inmate name Murray Casey Carter
IDOC No. 166594
Address 15505 Pleasant Valley Rd.
Kuna, ID. 83634

Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Murray Casey Carter

Defendant.

Case No. CR-FE-2013-0013759

**MOTION AND AFFIDAVIT IN
SUPPORT FOR
APPOINTMENT OF
COUNSEL**

COMES NOW, Murray Casey Carter, Defendant, in the above
entitled matter and moves this Honorable Court to grant Defendant's Motion for Appointment of
Counsel for the reasons more fully set forth herein and in the Affidavit in Support of Motion for
Appointment of Counsel.

1. Defendant is currently incarcerated within the Idaho Department of Corrections
under the direct care, custody and control of Warden Finn,
of the CAPP Facility.

2. The issues to be presented in this case may become to complex for the Defendant
to properly pursue. Defendant lacks the knowledge and skill needed to represent
him/herself.

MOTION AND AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL - 1
Revised: 10/06/05

000068

3. Defendant required assistance completing these pleadings, as he/she was unable to do it him/herself.

4. Other: N/A

DATED this 19 day of February, 2014.

Murray Casey Carter
Defendant

AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL

STATE OF IDAHO)
County of ADA) ss

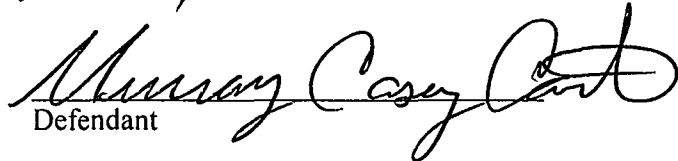
I Murray Casey Carter, after first being duly sworn upon his/her oath, deposes and says as follows:

1. I am the Affiant in the above-entitled case;
2. I am currently residing at the IDAHO C.A.P.P. Facility under the care, custody and control of Warden Finn;
3. I am indigent and do not have any funds to hire private counsel;
4. I am without bank accounts, stocks, bonds, real estate or any other form of real property;
5. I am unable to provide any other form of security;
6. I am untrained in the law;
7. If I am forced to proceed without counsel being appointed I will be unfairly handicapped in competing with trained and competent counsel of the State;

Further your affiant sayeth naught.

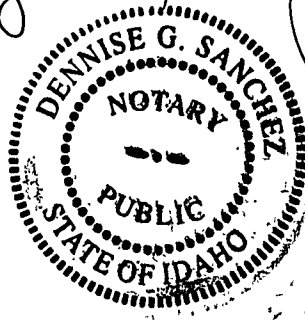
WHEREFORE, Defendant respectfully prays that this Honorable Court issue
it's Order granting Defendant's Motion for Appointment of Counsel to represent his/her interest,
or in the alternative grant any such relief to which it may appear the Defendant is entitled to.

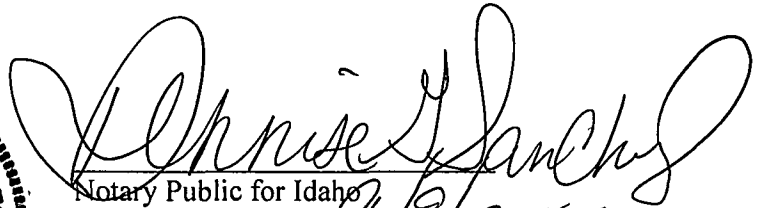
DATED This 19 day of February, 20 14.


Defendant

SUBSCRIBED AND SWORN AND AFFIRMED to before me this 19 day
of February, 20 14.

(SEAL)




Notary Public for Idaho
Commission expires: 9/9/2017

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 19 day of February, 2014, I mailed a copy of this MOTION AND AFFIDAVIT IN SUPPORT FOR APPOINTMENT OF COUNSEL for the purposes of filing with the court and of mailing a true and correct copy via prison mail system for processing to the U.S. mail system to:

ADA County Prosecuting Attorney
200 W Front St.
Boise, ID, 83702

Murray C. Carter
Defendant

Inmate name Murray Casey Carter
IDOC No. 66594
Address 15505 Pleasant Valley Rd.
Muna, ID. 83634

RECEIVED
FEB 21 2014
Ada County Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
) Plaintiff,)
)
) vs.)
)
) Murray Casey Carter)
)
) Defendant.)
)

Case No. CR-FE-2013-0013759

**ORDER GRANTING
MOTION FOR
APPOINTMENT
OF COUNSEL**

IT IS HEARBY ORDERED that the Defendant's Motion for Appointment of
Counsel is granted and _____ (attorney's name), a duly
licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant in
all proceedings involving the Idaho Criminal Rule 35 motion.

DATED this _____ day of _____, 20____.

District Judge

Murray Casey Carter
Full Name of Party Filing Document

15505 Pleasant Valley Rd.
Mailing Address (Street or Post Office Box)

Kuna, ID. 83634
City, State and Zip Code

N/A
Telephone

NO. 9
A.M. _____ FILED _____ P.M. _____

FEB 21 2014

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

IN THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

Murray Casey Carter
Plaintiff,

vs.

State OF IDAHO
Defendant.

Case No. ICR-FE-2013-0013759

MOTION AND AFFIDAVIT FOR
PERMISSION TO PROCEED ON PARTIAL
PAYMENT OF COURT FEES (PRISONER)

IMPORTANT NOTICE: Idaho Code § 31-3220A requires that you serve upon counsel for the county sheriff, the department of correction or the private correctional facility, whichever may apply, a copy of this motion and affidavit and any other documents filed in connection with this request. You must file proof of such service with the court when you file this document.

☒ Plaintiff ☐ Defendant asks to start or defend this case on partial payment of court fees, and swears under oath

1. This is an action for (type of case) ICR 35 Motion. I believe I am entitled to get what I am asking for.

2. ☒ I have not previously brought this claim against the same party or a claim based on the same operative facts in any state or federal court. ☐ I have filed this claim against the same party or a claim based on the same operative facts in a state or federal court.

3. I am unable to pay all the court costs now. I have attached to this affidavit a current statement of my inmate account, certified by a custodian of inmate accounts, that reflects the activity of the account over my period of incarceration or for the last twelve (12) months, whichever is less.

4. I understand I will be required to pay an initial partial filing fee in the amount of 20% of the greater of: (a) the average monthly deposits to my inmate account or (b) the average monthly balance in my inmate account for the last six (6) months. I also understand that I must pay the remainder of the filing fee by making monthly payments of 20% of the preceding month's income in my inmate account until the fee is paid in full.

5. I verify that the statements made in this affidavit are true. I understand that a false statement in this affidavit is perjury and I could be sent to prison for an additional fourteen (14) years.

(Do not leave any items blank. If any item does not apply, write "N/A". Attach additional pages if more space is needed for any response.)

IDENTIFICATION AND RESIDENCE:

Name: Murray Casey Carter Other name(s) I have used: N/A
Incarnerated

Address: 15505 S Pleasant Valley Rd. Kuna, ID. 83634

How long at that address? 1 week Phone: N/A

Year and place of birth: Mercy Medical Center Nampa IDAHO

DEPENDENTS:

I am ☒ single ☐ married If married, you must provide the following information:

Name of spouse: N/A

My other dependents including minor children (use only initials and age to identify children) are: _____

INCOME:

Amount of my income: \$ 0 per ☐ week ☐ month

Other than my inmate account I have outside money from: Ø

My spouse's income: \$ N/A per ☐ week ☐ month.

ASSETS:

List all real property (land and buildings) owned or being purchased by you.

Your Address	City	State	Legal Description	Value	Equity
					<u>N/A</u>

List all other property owned by you and state its value.

Description (provide description for each item)	Value
Cash	<u>Ø</u>
Notes and Receivables	<u>Ø</u>
Vehicles	<u>Ø</u>
Bank/Credit Union/Savings/Checking Accounts	<u>Ø</u>
Stocks/Bonds/Investments/Certificates of Deposit	<u>Ø</u>
Trust Funds	<u>Ø</u>
Retirement Accounts/IRAs/401(k)s	<u>Ø</u>
Cash Value Insurance	<u>Ø</u>
Motorcycles/Boats/RVs/Snowmobiles	<u>Ø</u>
Furniture/Appliances	<u>Ø</u>
Jewelry/Antiques/Collectibles	<u>Ø</u>
Description (provide description for each item)	<u>Ø</u>
TVs/Stereos/Computers/Electronics	<u>Ø</u>
Tools/Equipment	<u>Ø</u>
Sporting Goods/Guns	<u>Ø</u>
Horses/Livestock/Tack	<u>Ø</u>

Other (describe) Clothes, shoes / Jackets \$ 500.00

EXPENSES: (List all of your monthly expenses.)

Expense	Average Monthly Payment
Rent/House Payment	<u>N/A</u>
Vehicle Payment(s)	<u>N/A</u>
Credit Cards (List last four digits of each account number.)	<u>N/A</u>
Loans (name of lender and reason for loan)	<u>N/A</u>
Electricity/Natural Gas	<u>0</u>
Water/Sewer/Trash	<u>0</u>
Phone	<u>0</u>
Groceries	<u>0</u>
Clothing	<u>0</u>
Auto Fuel	<u>0</u>
Auto Maintenance	<u>0</u>
Cosmetics/Haircuts/Salons	<u>0</u>
Entertainment/Books/Magazines	<u>0</u>
Home Insurance	<u>0</u>

Expense	Average Monthly Payment
Auto Insurance _____	N/A
Life Insurance _____	N/A
Medical Insurance _____	N/A
Medical Expense _____	N/A
Other _____	N/A

MISCELLANEOUS:

How much can you borrow? \$ 0 From whom? N/A

When did you file your last income tax return? unknown Amount of refund: \$ unknown

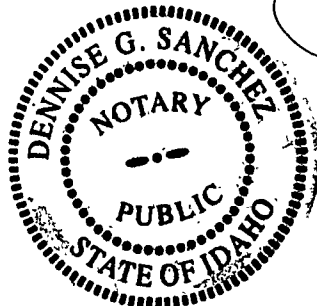
PERSONAL REFERENCES: (These persons must be able to verify information provided.)

Name	Address	Phone	Years Known
Mary E Carter	1611 Primrose Dr Nampa ID	(208) 466-0333	33 yrs.
Pamela O Carter	1701 7th St Rd Caldwell ID	(208) 615-0087	33 yrs.
Murray Casey Carter			

Typed/printed _____ Signature Murray Casey Carter

STATE OF IDAHO)
 County of Ada) ss.

SUBSCRIBED AND SWORN before me on this 19 day of February, 2014



Dennise Sanchez
 Notary Public for Idaho
 Residing at Burley, Idaho
 Commission expires 9/9/2017

= IDOC TRUST ===== OFFENDER BANK BALANCES. ===== 02/10/2014 =

Doc No: 66594 Name: CARTER, MURRAY CASEY
Account: CHK Status: ACTIVE

CAPP/02 PRES FACIL
TIER-2 CELL-37

Transaction Dates: 02/01/2013-01/31/2014

	Beginning Balance	Total Charges	Total Payments		Current Balance
	0.00				
===== TRANSACTIONS =====					
Date	Batch	Description	Ref Doc	Amount	Balance
01/15/2014	HQ0655398-001	950-REINCARCERATED	IBSUSPCHK	0.00	0.00
01/15/2014	HQ0655399-006	013-RCPT RDU	ADA	25.81	25.81
01/20/2014	II0655841-615	099-COMM SPL		8.49DB	17.32
01/20/2014	II0655841-616	099-COMM SPL		3.40DB	13.92
01/27/2014	II0656501-527	099-COMM SPL		6.80DB	7.12
01/27/2014	II0656501-528	099-COMM SPL		5.47DB	1.65
01/28/2014	HQ0656647-014	011-RCPT MO/CC	MAILROOM	20.00	21.65

FEB 25 2014

CHRISTOPHER D. RICH, Clerk
By LUCILLE DANSEREAU
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

MURRAY CASEY CARTER,

Defendant.

Case No. CR-FE-2013-0013759

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL ON
RULE 35 MOTION

On February 21, 2014, the Defendant, MURRAY CASEY CARTER, filed a Motion for Reduction of Sentence pursuant to Rule 35 and requested this Court appoint counsel. Based on the following, the Court denies his request for appointment of counsel.

While a criminal defendant has a right to counsel at all critical stages of the criminal process, including pursuit of a Rule 35 motion,¹ appointed counsel at this stage may be denied if the trial court finds that the motion "is not a proceeding that a reasonable person with adequate means would be willing to bring at his own expense and is therefore a frivolous proceeding." I.C. § 19-852(b)(3); *State v. Wade*, 125 Idaho 522, 524, 873 P.2d 167, 169 (Ct. App. 1994). Thus, a defendant may be denied appointment of counsel to assist in pursuing a Rule 35 motion if the trial court finds the motion to be frivolous.

In this case, the Court sentenced Carter on January 8, 2014, for Count I. Eluding a Police Officer, Felony, I.C. § 49-1401 and Count II. Operating a Motor Vehicle While Under the Influence of Alcohol (Second Within Ten Years), Misdemeanor, I.C. §§ 18-8004, -8005(4). Carter complains about

¹ I.C. § 19-851, 19-852; I.C.R. 44; *Murray v. State*, 121 Idaho 918, 923 n.3, 828 P.2d 1323, 1328 n.3 (Ct. App. 1992).

1 both the indeterminate portion of four (4) years on Count I and one (1) year on Count II, each count
2 running concurrently; Defendant wants the Court to reduce his indeterminate time to two (2) years.

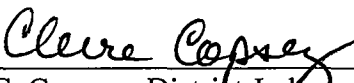
3 There was a plea agreement for two (2) years fixed, with three (3) years indeterminate on
4 Count I; the Court actually reduced the fixed time to one (1) year.

5 In his Motion, he argues his sentence should be reduced to one (1) year, with two (2) years
6 fixed. Based on all of this, the Court finds that the Motion "is not a proceeding that a reasonable
7 person with adequate means would be willing to bring at his own expense and is therefore a
8 frivolous proceeding." I.C. § 19-852(b)(3).

9 Therefore, the Court denies appointment of counsel to assist in pursuing a Rule 35 motion,
10 because it finds the Motion to be frivolous.

11 The Court also denies the Motion for hearing and finds no hearing is necessary.

12 Dated this 24th day of February, 2014.

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Cheri C. Copsey, District Judge

1 The undersigned authority hereby certifies that I have mailed, by United States Mail, one
2 copy of the: ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL ON RULE 35
3 MOTION as notice pursuant to Rule 77(d) I.C.R. to each of the attorneys of record in this cause in
4 envelopes addressed as follows:

5 ADA COUNTY PROSECUTING ATTORNEY
6 INTER DEPT MAIL
7 BARBARA DUGGAN

8 MURRAY CARTER
9 IDOC 66594
10 15505 PLEASANT VALLEY RD.
11 KUNA, IDAHO 83634

12 ADA COUNTY PUBLIC DEFENDER
13 INTER DEPT MAIL
14 AUGUST CAHILL

15 CHRISTOPHER D. RICH
16 Clerk of the District Court
17 Ada County, Idaho

18 Date: 2/25/14

19 By 
20 Deputy Clerk

1 The determination of whether to grant the relief requested by Carter is a matter committed to the
2 Court's discretion and the Court's decision is governed by the same standard as the original sentence.
3 *See State v. Gardiner*, 127 Idaho 156, 164, 989 P.2d 615 (Ct. App. 1995); *State v. Ricks*, 120 Idaho
4 875 (Ct. App. 1991). In this review, this Court has employed the standards set forth in *State v.*
5 *Toohill*, 103 Idaho 565, 650 P.2d 707 (Ct. App. 1982).

6 The Court understood that this was a matter of discretion and considered several factors both
7 in the original sentencing and in deciding this Motion For Reconsideration. A sentence has several
8 objectives: (1) protection of society, (2) deterrence of the individual and the public generally, (3)
9 possibility of rehabilitation, and (4) punishment for wrongdoing. The primary consideration is, and
10 should be, "the good order and protection of society." *State v. Toohill*, 103 Idaho 565, 650 P.2d 707
11 (Ct. App. 1982).

12 In any sentencing, the primary focus begins with a concern for protection of the public. In this
13 case, Carter pled guilty to Count I. Eluding a Police Officer, Felony, I.C. § 49-1401 and Count II.
14 Operating a Motor Vehicle While Under the Influence of Alcohol (Second Within Ten Years),
15 Misdemeanor, I.C. § 18-8004, -8005(4). On Count I, the Court imposed an aggregate term of five
16 (5) years, with a minimum period of confinement of one (1) year, followed by a subsequent
17 indeterminate period of custody not to exceed four (4) years. The maximum penalty for this offense
18 is five (5) years. The fixed portion of a sentence imposed under the Unified Sentencing Act is treated
19 as the term of confinement for sentence review purposes. *State v. Hayes*, 123 Idaho 26, 27, 843 P.2d
20 675, 676 (Ct. App. 1992). The Court finds that a one-year fixed sentence for Eluding, Felony, I.C.
21 49-1401 is lenient considering the facts of this crime and is well within the statutory sentence
22 guidelines.

23 In arriving at this sentence, the Court considered Carter's character and any mitigating or
24 aggravating factors. The Court, however, found there were several aggravating factors in this case
25 suggesting the need for this sentence. In particular, it is clear that Carter needs treatment. The
26 Court's decision focused on rehabilitation and protection of society. The facts of this crime and his
criminal history suggested the need for this sentence in order to properly rehabilitate him.

This incident began just after seven o'clock in the evening and ending just after ten o'clock.
It began when Carter broke out the rear window of his girlfriend's car and called and threatened to

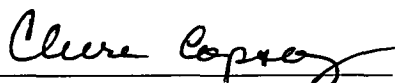
1 kill her. He had previously threatened her. He then drove to another house. He was extremely
2 intoxicated and the police went to investigate. He spilled beer all over himself. He threatened to
3 shoot another woman who was answering a call from his girlfriend. He then offered another person
4 \$1000 to beat up his girlfriend. The officer located him driving and Carter refused to stop and fled.
5 He drove on Deer Flat Road from Linder Road at speeds of approximately 80 m.p.h. He failed to
6 negotiate a right turn as he attempted to head south on Eagle Road causing his car to run over a stop
sign and slide off the road. His blood alcohol was .135/.116. He put a number of people at risk.

7 This was his second felony which includes Forgery (2002). Carter's misdemeanor record
8 includes Malicious Injury to Property (2001, 2002), D.U.I. (2011, 2010, 2013), Open Container
9 (2002). Carter also has an extensive juvenile criminal history including Battery (amended from Lewd
10 and Lascivious) (1994), Minor in Possession of a Controlled Substance (1997), and Alcoholic
Beverage (1997).

11 The Court found that this sentence would promote rehabilitation; there is a need for some
12 punishment that fits the crime before real rehabilitation will be effective. The Court finds that this
13 sentence fulfills the objectives of protecting society and achieves deterrence, rehabilitation, and
retribution, and therefore denies Carter's Motion for Reconsideration.

14 **IT IS SO ORDERED.**

15 DATED this 25th day of February 2014.

16
17 
18 Cheri C. Copsey, District Judge
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CERTIFICATE OF MAILING

The undersigned authority does hereby certify that on the 26th day of February 2014 I served one copy of the: **ORDER DENYING RULE 35 MOTION** to each of the parties below as follows:

ADA COUNTY PROSECUTING ATTORNEY
INTER DEPT MAIL
BARBARA DUGGAN

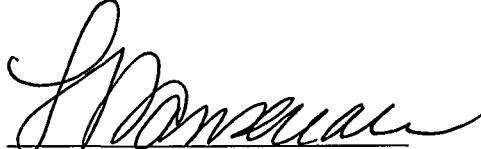
MURRAY CARTER
IDOC 66594
15505 PLEASANT VALLEY RD.
KUNA, IDAHO 83634

ADA COUNTY PUBLIC DEFENDER
INTER DEPT MAIL
AUGUST CAHILL

DEPARTMENT OF CORRECTIONS
CENTRAL RECORDS
VIA E-MAIL

CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho

Date: 2/26/14

By 
Deputy Clerk

195

NO. 9 FILED 9 P.M.
A.M.

MAR 03 2014

CHRISTOPHER D. RICH, Clerk
By KATRINA CHRISTENSEN
DEPUTY

Murray Casey Carter
Full Name/Prisoner Name # 166594
CAPDFacility Unit 2 Bunk 37-B
5505 South Pleasant Valley Rd.
Kuna, ID 83634
Complete Mailing Address

Plaintiff/Defendant
(circle one)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA.

STATE OF IDAHO
Plaintiff/Petitioner,
(Full name and prisoner number.)

vs.

CASE NO CR-FE-2013-0013759

Motion For Reconsideration

Murray Casey Carter
Defendant/Respondent(s),
(Full name(s). Do not use et. al.)

COMES NOW Murray Casey Carter Plaintiff/Defendant (circle one) in the above
entitled matter Pro SE,

On Feb 29, 2014 The Defendant Murray Casey Carter Filed a Motion
For Rule 35 In which was denied. The Defendant Request A Hearing
be held on the For going Matter to correct (Judical Error) and
(Manifest Injustice) And to Present Information And oral
Argument Can be Presented in support of The Motion For

Reconsideration Time 30 min.
(Requested time)
Motion For Reconsideration -pg. 1

Revised 10/24/05

000086

SW

cc: Barbara Morgan Burr Cahill 3-3-14

On January 8, 2014 I Murray Casey Carter Appeared in the District Court County of ADA on the Charges of Felony Elude, and misdemeanor second offence D.U.I. At this time I was not represented properly by Counsel. My Original Plea Agreement negotiated between defence Counsel and Prosecuting Attorney was 2 years Fixed and 3 years Indeterminate with Probation under A(Rule 11) agreement. My Public Defender H Koonce at that time had stated to me that this was a written and (secured) Plea agreement under the (Rule 11) and no way would I go to prison. And IF the Judge were to not accept this agreement I would withdraw my Plea.

While at sentencing my Public Defender August Cahill whom had (Promised) and (garrantied) that this was the Plea agreement And that I would receive Probation. Mr. Cahill Clearly stated this to my Grandma (Mary Elizabeth Carter) and I before the sentencing had began. I was then recommended by Council to plead guilty to the offences and I would be placed on Probation and IF I completed the terms of Probation my Felony would be reduced to a misdemeanor. I had filed a rule 35 motion to request an attorney to represent me in the matter due to being incarcerated and indigent and unable to afford Counsel. And that I am illiterate in education and am not educated in law.

Motion For Reconsideration -pg. 2

I was denied ~~my~~ ~~my~~ Council to represent me in this motion stating that I had adequate means at my own expense to hire Counsel. Proof of my being indigent is on my affidavit for motion to appoint Counsel. And motion to proceed in forma pauperis and inmate banking Certified statement. And my request to reduce my 4 year Indeterminate time to 2 years is not a (Civil case) request nor is the appointment of Counsel as this sentence is excessive due to that I was sentenced to the maximum required by law for a First Offense crime in which I had no criminal Intent.

Respectfully submitted this 27 day of February 2014.

Murray Casey Carter
Plaintiff/Defendant (circle one)

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 27 day of February, 20 14, I mailed a true and correct copy of the Motion for Reconsideration via prison mail system for processing to the U.S. mail system to:

Prosecuting Attorney
Ada County
200 W Front St.

Murray Casey Carter
Plaintiff/Defendant (circle one)

Motion for Reconsideration -pg. 3

MAR 07 2014

CHRISTOPHER D. RICH, Clerk
By LUCILLE DANSEREAU
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

MURRAY CASEY CARTER,

Defendant.

CASE NO. CR-FE-2013-0013759

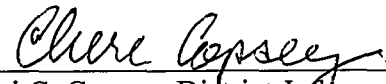
**MEMORANDUM DECISION ON
DEFENDANT'S SECOND MOTION
FOR RECONSIDERATION**

On January 8, 2014, the Court sentenced Murray Casey Carter on Count I. Eluding a Police Officer, Felony, I.C. § 49-1401 to an aggregate term of five (5) years, with a minimum period of confinement of one (1) year, followed by a subsequent indeterminate period of custody not to exceed four (4) years; and on Count II. Operating a Motor Vehicle While Under the Influence of Alcohol (Second Within Ten Years), Misdemeanor, I.C. §§ 18-8004, -8005(4), to one (1) year in the Ada County Jail. The Court ordered both counts to run concurrently. The Court further recommended he be placed in the Therapeutic Community. Carter timely filed a Motion for Reconsideration of Sentence pursuant to Rule 35, I.C.R., on February 21, 2014. Carter requested leniency and requested that the Court reduce his indeterminate time from four (4) years to two (2) years. The Court denied his request on February 26, 2014.

Carter now moves for reconsideration, and makes certain claims against his counsel. Idaho Criminal Rule 35 provides that "no defendant may file more than one motion seeking a reduction of sentence under this Rule." However, I.C.R. 35 clearly prohibits the filing of more than one motion for a reduction of sentence. Therefore, the court lacks jurisdiction to entertain successive motions under this rule and, thus denies his request. *State v. Wersland*, 125 Idaho 499, 505, 873 P.2d 144, 149-50 (1994).

IT IS SO ORDERED.

DATED this 7th day of March 2014.


Cheri C. Copsey, District Judge

CERTIFICATE OF MAILING

The undersigned authority does hereby certify that on the 7th day of March 2014 I served one copy of the: **DECISION RE: SECOND RULE 35 MOTION** to each of the parties below as follows:

ADA COUNTY PROSECUTING ATTORNEY
INTER DEPT MAIL
BARBARA DUGGAN

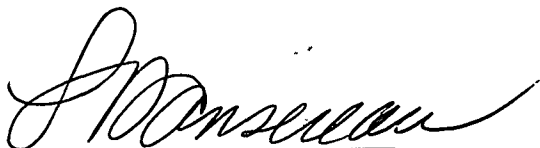
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KUNA, IDAHO 83634

ADA COUNTY PUBLIC DEFENDER
INTER DEPT MAIL
AUGUST CAHILL

DEPARTMENT OF CORRECTIONS
CENTRAL RECORDS
VIA E-MAIL

CHRISTOPHER D. RICH
Clerk of the District Court
Ada County, Idaho

Date: 3/7/14

By 
Deputy Clerk

NO. _____
A.M. 8:19 FILED P.M. _____

MAR 27 2014

CHRISTOPHER D. RICH, Clerk
By KELLE WEGENER
DEPUTY

TO: Clerk of the Court
Idaho Supreme Court
451 West State Street
Boise, Idaho 83720

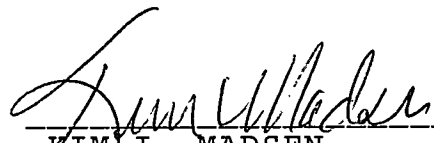
(
(SC No. 41862
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(STATE
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(
(CARTER

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on March 26, 2014, I
lodged a appeal transcript of 46 pages in length in the
above-referenced appeal with the District Court Clerk of
the County of Ada in the 4th Judicial
District.

This transcript contains hearings held on

.....September 10, 2013, guilty plea
.....January 8, 2014, sentencing



KIM I. MADSEN
Ada County Courthouse
200 West Front Street
Boise, Idaho 83702
(208) 287-7583

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

MURRAY CASEY CARTER,

Defendant-Appellant.

Supreme Court Case No. 41862

CERTIFICATE OF EXHIBITS

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:

There were no exhibits offered for identification or admitted into evidence during the course of this action.

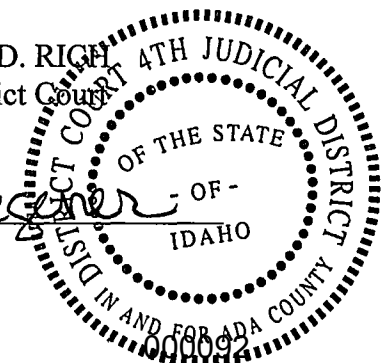
I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

1. Presentence Investigation Report.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 27th day of March, 2014.

CHRISTOPHER D. RICH
Clerk of the District Court

By KW Wegner
Deputy Clerk



CERTIFICATE OF EXHIBITS

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

MURRAY CASEY CARTER,

Defendant-Appellant.

Supreme Court Case No. 41862

CERTIFICATE OF SERVICE

I, CHRISTOPHER D. RICH, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

CLERK'S RECORD AND REPORTER'S TRANSCRIPT

to each of the Attorneys of Record in this cause as follows:

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

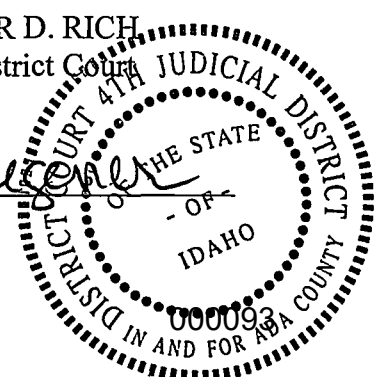
BOISE, IDAHO

Date of Service: MAR 27 2014

CERTIFICATE OF SERVICE

CHRISTOPHER D. RICH
Clerk of the District Court

By KW
Deputy Clerk



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

MURRAY CASEY CARTER,

Defendant-Appellant.

Supreme Court Case No. 41862

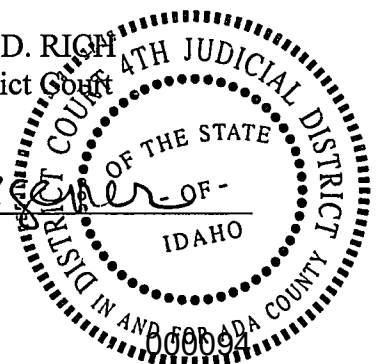
CERTIFICATE TO RECORD

I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled under my direction as, and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsel.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 13th day of February, 2014.

CHRISTOPHER D. RICH
Clerk of the District Court

By KWesley
Deputy Clerk



CERTIFICATE TO RECORD